

TITLE 68 INDIANA GAMING COMMISSION

ARTICLE 1. GENERAL PROVISIONS

Rule 1. Definitions

68 IAC 1-1-1 Applicability

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-2

Sec. 1. In addition to the definitions found in IC 4-33-2, the general definitions in this rule apply throughout this title. (*Indiana Gaming Commission; 68 IAC 1-1-1; filed Nov 10, 1994, 11:00 a.m.: 18 IR 470; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-2 "Act" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. "Act" means the riverboat gambling act as established in IC 4-33. (*Indiana Gaming Commission; 68 IAC 1-1-2; filed Nov 10, 1994, 11:00 a.m.: 18 IR 470; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-2.1 "Affiliate" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2.1. "Affiliate" means any person who directly or indirectly controls, is controlled by, or is under common control of another person. (*Indiana Gaming Commission; 68 IAC 1-1-2.1; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1015; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-3 "Application" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. "Application" means the total written materials, including the instructions, forms, and other documents issued by the commission, comprising applicant's request for an owner's license, supplier's license, or occupational license. (*Indiana Gaming Commission; 68 IAC 1-1-3; filed Nov 10, 1994, 11:00 a.m.: 18 IR 470; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-4 "Attributed interest" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. "Attributed interest" means any direct or indirect interest in a business entity deemed to be held by an individual not through the individual's actual holdings but through holdings of the individual's immediate family. (*Indiana Gaming Commission; 68 IAC 1-1-4; filed Nov 10, 1994, 11:00 a.m.: 18 IR 470; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-5 "Baccarat" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. "Baccarat" means a card game played with a deck or multiple decks of cards dealt from a shoe. The highest game point possible is nine (9). The hand with the highest point count wins. (*Indiana Gaming Commission; 68 IAC 1-1-5; filed Nov 10, 1994, 11:00 a.m.: 18 IR 470; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-6 “Best of knowledge” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 6. “Best of knowledge” means applicant's knowledge after substantial inquiry. (*Indiana Gaming Commission; 68 IAC 1-1-6; filed Nov 10, 1994, 11:00 a.m.: 18 IR 470; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-7 “Big six” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 7. “Big six” means a wheel game (vertical) in which a player bets on the outcome of the wheel spin. (*Indiana Gaming Commission; 68 IAC 1-1-7; filed Nov 10, 1994, 11:00 a.m.: 18 IR 470; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-8 “Bill changer” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 8. “Bill changer” means an electro-mechanical device attached either on or into an electronic gaming device for the purpose of dispensing an amount of tokens or credits equal to the amount of cash or cash equivalency inserted into the bill changer. The bill changer shall accept and analyze the legitimacy of United States currency. If a credit is issued, the player shall have the option of taking the entire amount of credit in tokens, or utilizing any portion of the registered credits to activate the electronic gaming device as a wager. (*Indiana Gaming Commission; 68 IAC 1-1-8; filed Nov 10, 1994, 11:00 a.m.: 18 IR 470; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3296; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-9 “Blackjack” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 9. “Blackjack” has the meaning set forth in section 96 of this rule. (*Indiana Gaming Commission; 68 IAC 1-1-9; filed Nov 10, 1994, 11:00 a.m.: 18 IR 470; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-10 “Business entity” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 10. “Business entity” means any of the following:

- (1) Partnership.
- (2) Incorporated or unincorporated association or group.
- (3) Firm.
- (4) Corporation.
- (5) Limited liability company.
- (6) Partnership for shares.
- (7) Trust.
- (8) Sole proprietorship.
- (9) Any other form of business.

(*Indiana Gaming Commission; 68 IAC 1-1-10; filed Nov 10, 1994, 11:00 a.m.: 18 IR 470; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-11 “Candidate” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 3-5-2-6; IC 4-33

Sec. 11. “Candidate” has the meaning set forth in IC 3-5-2-6. (*Indiana Gaming Commission; 68 IAC 1-1-11; filed Nov 10, 1994, 11:00 a.m.: 18 IR 471; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-12 “Cash” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 12. “Cash” means United States currency and coin or foreign currency and coin which has been exchanged for its equivalent United States currency and coin value. (*Indiana Gaming Commission; 68 IAC 1-1-12; filed Nov 10, 1994, 11:00 a.m.: 18 IR 471; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-13 “Cash equivalent” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 13. “Cash equivalent” means any asset that is readily convertible to cash, including the following:

- (1) Travelers checks.
- (2) Certified checks, cashier's checks, and money orders.
- (3) Personal checks.
- (4) Credit extended by the riverboat licensee or by a recognized credit card company.
- (5) Any other instrument that the commission deems a cash equivalent.

Other than recognized credit cards or credit extended by the riverboat licensee, all instruments that constitute a cash equivalent must be made payable to the riverboat licensee, bearer, or cash. If an instrument is made payable to a third party, it shall not be deemed a cash equivalent. (*Indiana Gaming Commission; 68 IAC 1-1-13; filed Nov 10, 1994, 11:00 a.m.: 18 IR 471; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-13.1 “Central computer system” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 13.1. “Central computer system” means one (1) or more computer systems that meet the following requirements:

- (1) Is connected to all electronic gaming devices in the riverboat to record and contemporaneously monitor the activities of each electronic gaming device, including, but not limited to, the following or the equivalent:
 - (A) The opening of any door of the electronic gaming device.
 - (B) Hopper credits and fills.
 - (C) Drop bucket collection.
- (2) Is capable of contemporaneously monitoring the activities of the live gaming devices, including, but not limited to, the following or the equivalent:
 - (A) Table fills.
 - (B) Table credits.
- (3) Is capable of tracking the activities of the live gaming devices, including, but not limited to, the following or the equivalent:
 - (A) Table game inventories.
 - (B) Employee gratuity deposit accounting.
- (4) Is capable of contemporaneously monitoring the activities of the main bank and all cages, including, but not limited to, the following or the equivalent:

- (A) Manual payouts.
 - (B) Hopper credits and hopper fills.
 - (C) Table credits and fills.
- (5) Is capable of tracking the activities of the main bank and all cages, including, but not limited to, the following or the equivalent:
- (A) Hard and soft count summary log.
 - (B) Master gaming report.
 - (C) Cashier checkout.
 - (D) Main bank and cage inventory.
 - (E) Deposits.
 - (F) Cash transaction reports.
 - (G) Patron credit.
- (6) Is capable of monitoring the riverboat licensee's accounting package.

(Indiana Gaming Commission; 68 IAC 1-1-13.1; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2246; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 1-1-13.2 “Certificate of suitability” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 13.2. “Certificate of suitability” means a written document issued by the executive director that indicates an applicant has been chosen for licensure if the applicant meets the requirements set forth in 68 IAC 2-1-5(e). A certificate of suitability is valid for a period of one hundred eighty (180) days unless extended by the commission. *(Indiana Gaming Commission; 68 IAC 1-1-13.2; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2246; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-14 “Chair” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 14. “Chair” means the chair of the Indiana gaming commission. *(Indiana Gaming Commission; 68 IAC 1-1-14; filed Nov 10, 1994, 11:00 a.m.: 18 IR 471; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-15 “Chip” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 15. “Chip” means a nonmetal or partly metal representative of value, redeemable for cash, and issued and sold by a riverboat licensee for use in gaming, other than in electronic gaming devices, on the licensee's riverboat or at the support facility. *(Indiana Gaming Commission; 68 IAC 1-1-15; filed Nov 10, 1994, 11:00 a.m.: 18 IR 471; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-15.1 “City” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 1-1-3.5; IC 4-33; IC 36-4-1

Sec. 15.1. “City” means a municipality that has a population of two thousand (2,000) or more as of the most recent federal decennial census or the most recent federal special census, special tabulation, or corrected population count effective under IC 1-1-3.5 and meets the qualifications of a city under IC 36-4-1. *(Indiana Gaming Commission; 68 IAC 1-1-15.1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2646; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-16 “Commission” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 16. “Commission” means the Indiana gaming commission. (*Indiana Gaming Commission; 68 IAC 1-1-16; filed Nov 10, 1994, 11:00 a.m.: 18 IR 471; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-17 “Commission surveillance room” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 17. “Commission surveillance room” means a room or rooms on each riverboat for the exclusive use of the commission for the monitoring and recording of gaming or any other activities. (*Indiana Gaming Commission; 68 IAC 1-1-17; filed Nov 10, 1994, 11:00 a.m.: 18 IR 471; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-18 “Compensation” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 18. “Compensation” means anything of value, including, but not limited to:

- (1) salary;
- (2) wages;
- (3) commissions;
- (4) tips;
- (5) gratuities;
- (6) fees;
- (7) bonuses; and
- (8) distributions from S corporations;

in any form, including cash, securities, real property and tangible and intangible personal property. (*Indiana Gaming Commission; 68 IAC 1-1-18; filed Nov 10, 1994, 11:00 a.m.: 18 IR 471; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-19 “Control” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 19. “Control” means the power to exercise authority over or to direct the management and policies of an individual, business, or entity. (*Indiana Gaming Commission; 68 IAC 1-1-19; filed Nov 10, 1994, 11:00 a.m.: 18 IR 471; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-20 “Count room” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 20. “Count room” means the room(s) designated for the counting and recording of a riverboat licensee's gaming receipts. (*Indiana Gaming Commission; 68 IAC 1-1-20; filed Nov 10, 1994, 11:00 a.m.: 18 IR 471; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-21 “Counterfeit chips or tokens” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 21. "Counterfeit chips or tokens" means chip-like or token-like objects that have not been approved pursuant to IC 4-33 or this title, including objects commonly referred to as slugs, but not including coins of the United States or any other nation. (*Indiana Gaming Commission; 68 IAC 1-1-21; filed Nov 10, 1994, 11:00 a.m.: 18 IR 472; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-22 "Craps" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 22. "Craps" means a game that offers a variety of bets on the layout. Two (2) dice are rolled by a patron called a shooter to make different points or combinations. The bet is dependent on the point value on the uppermost side of the two (2) dice that come to rest after being thrown by the shooter. A first throw of seven (7) or eleven (11) wins; a first throw of two (2), three (3), or twelve (12) loses; and a first throw of four (4), five (5), six (6), eight (8), nine (9), or ten (10) can be won only by repeating the number thrown before a seven (7) appears. (*Indiana Gaming Commission; 68 IAC 1-1-22; filed Nov 10, 1994, 11:00 a.m.: 18 IR 472; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-23 "Debt instrument" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 23. "Debt instrument" means any:

- (1) bond;
- (2) loan;
- (3) mortgage;
- (4) trust;
- (5) deed (when committed in any form as collateral);
- (6) note;
- (7) debenture;
- (8) subordination;
- (9) guaranty;
- (10) letter of credit;
- (11) security agreement;
- (12) pledge;
- (13) chattel mortgage; or
- (14) other form of indebtedness.

(*Indiana Gaming Commission; 68 IAC 1-1-23; filed Nov 10, 1994, 11:00 a.m.: 18 IR 472; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-24 "Dependent" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 24. "Dependent" means any individual who received over one-half (½) of his or her support in a calendar year from any other individual. (*Indiana Gaming Commission; 68 IAC 1-1-24; filed Nov 10, 1994, 11:00 a.m.: 18 IR 472; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-25 "Drop" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 25. "Drop" means the total amount of tokens removed from the drop bucket of an electronic gaming device, the currency removed from the bill changers, and the total dollar amount of the currency, coins, chips, tokens, or credits removed from the live gaming devices. If a patron is utilizing an electronic card, the drop is the amount deducted from a patron's account as a result of electronic gaming device play. (*Indiana Gaming Commission; 68 IAC 1-1-25; filed Nov 10, 1994, 11:00 a.m.: 18 IR 472; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3296; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-25.1 "Drop box" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 25.1. "Drop box" means the box attached to a live gaming device table that is used to collect, but not limited to, the following items:

- (1) Currency.
- (2) Coin.
- (3) Cash equivalents.
- (4) Damaged chips.
- (5) Documents verifying the extension of credit.
- (6) Request for fill and credit forms.
- (7) Fill and credit slips.
- (8) Error notification slips.
- (9) Table inventory forms.

(*Indiana Gaming Commission; 68 IAC 1-1-25.1; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2247; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-26 "Drop bucket" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 26. "Drop bucket" means the container in the locked portion of an electronic gaming device or the cabinet of an electronic gaming device used to collect the tokens retained by the electronic gaming device that are not used to make automatic payments from the electronic gaming device and are subject to authorized removal. (*Indiana Gaming Commission; 68 IAC 1-1-26; filed Nov 10, 1994, 11:00 a.m.: 18 IR 472; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-27 "Drop meter" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 27. "Drop meter" means an electronic device that automatically and continuously counts the number of tokens dropped into an electronic gaming device's drop bucket. (*Indiana Gaming Commission; 68 IAC 1-1-27; filed Nov 10, 1994, 11:00 a.m.: 18 IR 472; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-28 "Electronic card" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 28. "Electronic card" means a card used for cash or cash equivalent. (*Indiana Gaming Commission; 68 IAC 1-1-28; filed Nov 10, 1994, 11:00 a.m.: 18 IR 472; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-29 “Electronic gaming device” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 29. “Electronic gaming device” means any electromechanical device, electrical device, or machine which upon payment of consideration is available to play or operate, the operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive premiums, merchandise, tokens, redeemable game credits, or anything of value other than unredeemable free games whether the payoff is made automatically from the machines or in any other manner. (*Indiana Gaming Commission; 68 IAC 1-1-29; filed Nov 10, 1994, 11:00 a.m.: 18 IR 472; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-30 “Electronic gaming device drop” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 30. “Electronic gaming device drop” means the total value of tokens contained in the drop bucket and the currency removed from bill changers. If a patron is utilizing an electronic card, the drop is the amount deducted from a patron's account as a result of electronic gaming device play. (*Indiana Gaming Commission; 68 IAC 1-1-30; filed Nov 10, 1994, 11:00 a.m.: 18 IR 473; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3296; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-31 “Electronic gaming device win” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 31. “Electronic gaming device win” means the electronic gaming device drop minus hand-paid jackpots minus hopper fills plus hopper credits. (*Indiana Gaming Commission; 68 IAC 1-1-31; filed Nov 10, 1994, 11:00 a.m.: 18 IR 473; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-32 “EPROM” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 32. “EPROM” means erasable, programmable, read only memory. (*Indiana Gaming Commission; 68 IAC 1-1-32; filed Nov 10, 1994, 11:00 a.m.: 18 IR 473; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-33 “Excluded person” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-4-7

Sec. 33. “Excluded person” means any person whose name appears on any exclusion list, or any person whose name does not appear on an exclusion list, but who is excluded or ejected under IC 4-33-4-7, or as a result of meeting one (1) or more of the criteria in 68 IAC 6-1. (*Indiana Gaming Commission; 68 IAC 1-1-33; filed Nov 10, 1994, 11:00 a.m.: 18 IR 473; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-34 “Exclusion list” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 34. “Exclusion list” means a list or lists, that contain identities of persons who are to be excluded or ejected from any licensed gaming operation in any jurisdiction. The list may include any person whose reputation or conduct is such that the person's

presence within a riverboat gambling operation may, in the opinion of the commission or the executive director, call into question the honesty or integrity of the gambling operation or pose a threat to the interests of the state of Indiana. (*Indiana Gaming Commission; 68 IAC 1-1-34; filed Nov 10, 1994, 11:00 a.m.: 18 IR 473; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-35 “Executive director” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 35. “Executive director” means the executive director of the Indiana gaming commission. (*Indiana Gaming Commission; 68 IAC 1-1-35; filed Nov 10, 1994, 11:00 a.m.: 18 IR 473; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-36 “Faro” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 36. “Faro” means a card game played with a single fifty-two (52) card deck, dealt by drawing cards face up from an open framed box during which a player places bets on a special board or layout, betting on each series of two (2) cards as they are drawn from the open framed box. (*Indiana Gaming Commission; 68 IAC 1-1-36; filed Nov 10, 1994, 11:00 a.m.: 18 IR 473; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-37 “FIN” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 37. “FIN” means a federal identification number. (*Indiana Gaming Commission; 68 IAC 1-1-37; filed Nov 10, 1994, 11:00 a.m.: 18 IR 473; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-38 “Felony” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 38. “Felony” means a criminal offense for which a sentence of imprisonment of more than one (1) year may be imposed under the laws of any jurisdiction. (*Indiana Gaming Commission; 68 IAC 1-1-38; filed Nov 10, 1994, 11:00 a.m.: 18 IR 473; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-39 “Financial statement” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 39. “Financial statement” means any of the following:

- (1) Balance sheet.
- (2) Income statement.
- (3) Profit and loss statement.
- (4) Statement of cash flow.
- (5) Sources and uses of funds statement.

(*Indiana Gaming Commission; 68 IAC 1-1-39; filed Nov 10, 1994, 11:00 a.m.: 18 IR 473; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-40 “Game” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 40. “Game” means a banking, wagering, gambling, or percentage game or activity that is played for chips, tokens, or anything of value, including, without limitation, those played with:

- (1) cards;
- (2) chips;
- (3) tokens;
- (4) dice;
- (5) implements; or
- (6) electronic, electrical, or electromechanical devices or machines.

(Indiana Gaming Commission; 68 IAC 1-1-40; filed Nov 10, 1994, 11:00 a.m.: 18 IR 474; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 1-1-41 “Gaming” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 41. “Gaming” means the dealing, operating, carrying on, conducting, maintaining, or exposing for play of any game. *(Indiana Gaming Commission; 68 IAC 1-1-41; filed Nov 10, 1994, 11:00 a.m.: 18 IR 474; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-42 “Gaming area” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 42. “Gaming area” means the room(s) on a riverboat in which gaming is conducted. *(Indiana Gaming Commission; 68 IAC 1-1-42; filed Nov 10, 1994, 11:00 a.m.: 18 IR 474; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-43 “Gaming equipment or supplies” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 43. “Gaming equipment or supplies” means a machine, mechanism, device, or implement that affects the result of a game by determining win or loss, including, without limitation, any of the following:

- (1) Electronic gaming devices.
- (2) Software.
- (3) Cards.
- (4) Dice.
- (5) Any representative of value used with any game, including, without limitation, chips, tokens, or electronic debit cards and related hardware and software.

(Indiana Gaming Commission; 68 IAC 1-1-43; filed Nov 10, 1994, 11:00 a.m.: 18 IR 474; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 1-1-44 “Gaming operations manager” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 44. “Gaming operations manager” means a person who has the ultimate responsibility to manage, direct, or administer

the conducting of gaming. (*Indiana Gaming Commission; 68 IAC 1-1-44; filed Nov 10, 1994, 11:00 a.m.: 18 IR 474; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-45 “Give-away” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 45. “Give-away” means a game where patron entry to the game may be determined by attendance on a riverboat, or by either accumulation of points or credits, or the attainment of a certain outcome on an electronic gaming device. (*Indiana Gaming Commission; 68 IAC 1-1-45; filed Nov 10, 1994, 11:00 a.m.: 18 IR 474; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-46 “Hand” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 46. “Hand” means either one (1) game in a series, one (1) deal in a card game, or the cards held by a player. (*Indiana Gaming Commission; 68 IAC 1-1-46; filed Nov 10, 1994, 11:00 a.m.: 18 IR 474; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-47 “Hearing officer” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 47. “Hearing officer” means the commission member or the administrative law judge appointed by the chair of the commission to conduct a hearing on any of the following:

- (1) Notice of denial of licensure.
- (2) Revocation of licensure.
- (3) Restriction of licensure.
- (4) Suspension of licensure.
- (5) Nonrenewal of licensure.
- (6) Disciplinary hearings.
- (7) Petition for removal from the exclusion list.
- (8) Any other hearing conducted under IC 4-33 or this title.

(*Indiana Gaming Commission; 68 IAC 1-1-47; filed Nov 10, 1994, 11:00 a.m.: 18 IR 474; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-48 “Immediate family” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 48. “Immediate family” means:

- (1) spouse (other than a spouse who is legally separated from the individual under a decree of divorce or separate maintenance);
- (2) parent;
- (3) child;
- (4) sibling;
- (5) father-in-law; or
- (6) mother-in-law;

whether by whole or half blood, marriage, adoption, or natural relationship. (*Indiana Gaming Commission; 68 IAC 1-1-48; filed Nov 10, 1994, 11:00 a.m.: 18 IR 474; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-49 “Indiana taxpayer identification number” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 49. “Indiana taxpayer identification number” means the number assigned to businesses registered with the department of state revenue. (*Indiana Gaming Commission; 68 IAC 1-1-49; filed Nov 10, 1994, 11:00 a.m.: 18 IR 475; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-50 “Indirect interest” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 50. “Indirect interest” means any interest in any other person that is deemed to be held by the holder, not through the holder's actual holdings in the person, but through the holder's holdings in any other person. (*Indiana Gaming Commission; 68 IAC 1-1-50; filed Nov 10, 1994, 11:00 a.m.: 18 IR 475; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-51 “Individual” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 51. “Individual” means any natural person. (*Indiana Gaming Commission; 68 IAC 1-1-51; filed Nov 10, 1994, 11:00 a.m.: 18 IR 475; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-52 “Institutional investor” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 52. “Institutional investor” means any of the following:

- (1) A retirement fund administered by a public agency for the exclusive benefit of federal, state, or local public employees.
- (2) An investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80).
- (3) A collective investment trust organized by banks under Part Nine (9) of the rules of the Comptroller of the Currency.
- (4) A closed end investment trust.
- (5) A chartered or licensed life insurance company or property and casualty insurance company.
- (6) A banking, chartered, or licensed lending institution.
- (7) An investment adviser registered under the Investment Advisors Act of 1940 (15 U.S.C. 80).
- (8) Any other entity the commission determines constitutes an institutional investor.

(*Indiana Gaming Commission; 68 IAC 1-1-52; filed Nov 10, 1994, 11:00 a.m.: 18 IR 475; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-52.1 “Interim compliance period” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 52.1. “Interim compliance period” means the period of time between the issuance of a certificate of suitability and the issuance of a permanent riverboat owner's license or the issuance of a notice of denial. (*Indiana Gaming Commission; 68 IAC 1-1-52.1; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2247; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-53 “Internal control system” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 53. "Internal control system" means the internal procedures, administration, and accounting controls designed by the riverboat licensee for the purpose of exercising control over the riverboat gambling operation. (*Indiana Gaming Commission; 68 IAC 1-1-53; filed Nov 10, 1994, 11:00 a.m.: 18 IR 475; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-54 "Irrevocable letter of credit" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 54. "Irrevocable letter of credit" means an engagement by a banking institution made at the request of a riverboat licensee that the banking institution will honor demands for payment upon compliance with the conditions specified in the letter of credit. The letter of credit cannot be withdrawn or canceled before the expiration date. The letter of credit must be issued, held, and negotiated under the "Uniform Custom and Practice for Documentary Credits", 1993 Revision, International Chamber of Commerce Publication No. 500. (*Indiana Gaming Commission; 68 IAC 1-1-54; filed Nov 10, 1994, 11:00 a.m.: 18 IR 475; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3034; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-55 "Junketeer" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 55. "Junketeer" means a person who is compensated depending on how much a patron either wagers or loses or a determination by the riverboat licensee or gaming operation manager as to the potential amount a patron will wager or lose. (*Indiana Gaming Commission; 68 IAC 1-1-55; filed Nov 10, 1994, 11:00 a.m.: 18 IR 475; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-56 "Keno" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 56. "Keno" means a game where a player selects anywhere from one (1) to twenty (20) numbers between one (1) and eighty (80). A winner is determined by an automatic device which randomly chooses twenty (20) numbers. (*Indiana Gaming Commission; 68 IAC 1-1-56; filed Nov 10, 1994, 11:00 a.m.: 18 IR 475; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-57 "Key person" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 57. "Key person" means an officer, director, trustee, partner, proprietor, or managing agent of, or an individual who holds any direct, indirect, or attributed legal or beneficial interest whose combined direct, indirect, or attributed interest is five percent (5%) or more in a business entity. (*Indiana Gaming Commission; 68 IAC 1-1-57; filed Nov 10, 1994, 11:00 a.m.: 18 IR 475; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-58 "Klondike" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 58. "Klondike" means a solitaire card game played with a single fifty-two (52) card deck. (*Indiana Gaming Commission; 68 IAC 1-1-58; filed Nov 10, 1994, 11:00 a.m.: 18 IR 476; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-59 “Live gaming device” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 59. “Live gaming device” means any nonelectrical or nonelectromechanical apparatus used to gamble upon, including, but not limited to, the following:

- (1) Roulette wheel and table.
- (2) Blackjack table.
- (3) Crap table.
- (4) Poker table.

(Indiana Gaming Commission; 68 IAC 1-1-59; filed Nov 10, 1994, 11:00 a.m.: 18 IR 476; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 1-1-59.1 “Main bank” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 59.1. “Main bank” or its equivalent means the department that is responsible for at least the following:

- (1) Cashing customer checks.
- (2) Establishing hold check privileges.
- (3) Redeeming chips, tokens, or both.
- (4) Providing working funds to all operational departments.
- (5) Deposits of front money.
- (6) Maintaining custody of all inventory.
- (7) Processing markers.
- (8) Assuming responsibility for the following individuals and physical structures:
 - (A) Casino cashiers.
 - (B) Change attendants.
 - (C) Main bank vault or vaults.
 - (D) Any other structure that houses tokens, chips, or other representatives of value that the main bank is accountable for.

(Indiana Gaming Commission; 68 IAC 1-1-59.1; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2247; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 1-1-60 “Multiple action blackjack” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 60. “Multiple action blackjack” means a multiple hand, maximum of three (3), variation of the card game blackjack. The dealer uses a common up-card and players play two (2) to three (3) hands as in a normal blackjack game. *(Indiana Gaming Commission; 68 IAC 1-1-60; filed Nov 10, 1994, 11:00 a.m.: 18 IR 476; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-61 “Negotiable security” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33; IC 26-1

Sec. 61. “Negotiable security” has the meaning set forth in IC 26-1. *(Indiana Gaming Commission; 68 IAC 1-1-61; filed Nov 10, 1994, 11:00 a.m.: 18 IR 476; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-62 “Nominee” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 62. “Nominee” means any person that holds as owner of record the legal title to tangible or intangible personal or real property, including, without limitation, any stock, bond debenture, note, investment contract, or real estate on behalf of another individual or business entity, and as such is designated and authorized to act on his, her, or its behalf with respect to such property. (*Indiana Gaming Commission; 68 IAC 1-1-62; filed Nov 10, 1994, 11:00 a.m.: 18 IR 476; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-63 “Nonvalue chip” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 63. “Nonvalue chip” means a chip, clearly and permanently impressed, engraved or imprinted with the name of the riverboat licensee, but bearing no value designation. (*Indiana Gaming Commission; 68 IAC 1-1-63; filed Nov 10, 1994, 11:00 a.m.: 18 IR 476; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-64 “Notice of commission action” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 64. “Notice of commission action” means a notice of denial, restriction, suspension, revocation, nonrenewal, exclusion, or action taken in a disciplinary commission issued by the commission. (*Indiana Gaming Commission; 68 IAC 1-1-64; filed Nov 10, 1994, 11:00 a.m.: 18 IR 476; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-65 “Occupational licensee” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-8

Sec. 65. “Occupational licensee” means a person who holds an occupational license under IC 4-33-8 and 68 IAC 2-3. (*Indiana Gaming Commission; 68 IAC 1-1-65; filed Nov 10, 1994, 11:00 a.m.: 18 IR 476; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-66 “Payout” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 66. “Payout” means winnings resulting from a wager. (*Indiana Gaming Commission; 68 IAC 1-1-66; filed Nov 10, 1994, 11:00 a.m.: 18 IR 476; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-67 “Petitioner” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 67. “Petitioner” means an applicant, licensee, or excluded person who requests a hearing upon issuance of a notice of commission action. (*Indiana Gaming Commission; 68 IAC 1-1-67; filed Nov 10, 1994, 11:00 a.m.: 18 IR 476; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-68 "Pit" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 68. "Pit" means the area enclosed or encircled by the arrangement of the gaming tables in which riverboat gambling personnel administer and supervise the live games played at the tables by patrons located outside the perimeter of the area. (*Indiana Gaming Commission; 68 IAC 1-1-68; filed Nov 10, 1994, 11:00 a.m.: 18 IR 476; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-69 "Poker" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 69. "Poker" means a card game played by a maximum of ten (10) players who are dealt cards by a nonplayer dealer. The object of the game is for each player to bet the superiority of his or her own hand and win the other players' bets by either making a bet no other player is willing to match or proving to hold the most valuable cards after all the betting is over. (*Indiana Gaming Commission; 68 IAC 1-1-69; filed Nov 10, 1994, 11:00 a.m.: 18 IR 477; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-70 "Political contribution" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 3-5-2-15; IC 4-33

Sec. 70. "Political contribution" has the meaning set forth in IC 3-5-2-15. (*Indiana Gaming Commission; 68 IAC 1-1-70; filed Nov 10, 1994, 11:00 a.m.: 18 IR 477; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-71 "Predecessor company" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 71. "Predecessor company" means a business entity which no longer exists in its original form but whose assets in substantial part have been acquired by another business entity or which has undergone certain internal changes, such as those of identity, form, or capital structure. (*Indiana Gaming Commission; 68 IAC 1-1-71; filed Nov 10, 1994, 11:00 a.m.: 18 IR 477; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-72 "Progressive controller" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 72. "Progressive controller" means the hardware and software that controls all communication among the electronic gaming devices or live gaming devices within a progressive electronic gaming device link or a progressive live gaming device link and its associated progressive meter. (*Indiana Gaming Commission; 68 IAC 1-1-72; filed Nov 10, 1994, 11:00 a.m.: 18 IR 477; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-73 "Progressive jackpot" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 73. "Progressive jackpot" means a value determined by application of an approved formula to the income of independent, local, or interlinked electronic gaming devices or live gaming devices. This value shall be clearly displayed above the interlinked electronic gaming device, above or beside the live gaming device and metered incrementally by a progressive controller. A

progressive electronic gaming device must prominently display a manufacturer-supplied glass indicating either that a progressive jackpot is to be paid or the current amount of the jackpot. Progressive jackpots may not be initiated without the prior consent of the executive director. (*Indiana Gaming Commission; 68 IAC 1-1-73; filed Nov 10, 1994, 11:00 a.m.: 18 IR 477; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-74 “Public official” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33; IC 35-41-1-12

Sec. 74. “Public official” means a person who is:

- (1) authorized to perform an official function on behalf of, and is paid by a governmental entity, as defined in IC 35-41-1-12;
- (2) elected or appointed to office to discharge a public duty for a governmental entity; or
- (3) appointed in writing by a public official to act in an advisory capacity, with or without compensation, to a governmental entity concerning a contract or purchase to be made by the entity.

This term does not include a person appointed to an honorary advisory or honorary military position. (*Indiana Gaming Commission; 68 IAC 1-1-74; filed Nov 10, 1994, 11:00 a.m.: 18 IR 477; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-75 “Publicly held company” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 75. “Publicly held company” means a company whose shares are traded on an established securities market or whose shares are readily tradable on a secondary market. (*Indiana Gaming Commission; 68 IAC 1-1-75; filed Nov 10, 1994, 11:00 a.m.: 18 IR 477; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-76 “Registered agent” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33; IC 23-1-24-1

Sec. 76. “Registered agent” means any individual or business entity against whom service of process may be made on behalf of a business entity under IC 23-1-24-1. (*Indiana Gaming Commission; 68 IAC 1-1-76; filed Nov 10, 1994, 11:00 a.m.: 18 IR 477; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-77 “Relative” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 77. “Relative” means:

- (1) spouse (other than a spouse who is legally separated from the individual under a decree of divorce or separate maintenance);
- (2) parent;
- (3) grandparent;
- (4) child;
- (5) grandchild;
- (6) sibling;
- (7) uncle;
- (8) aunt;
- (9) nephew;
- (10) niece;
- (11) first cousin;

- (12) father-in-law;
- (13) mother-in-law;
- (14) son-in-law;
- (15) daughter-in-law;
- (16) brother-in-law; or
- (17) sister-in-law;

whether by whole or half blood, marriage, adoption, or natural relationship. (*Indiana Gaming Commission; 68 IAC 1-1-77; filed Nov 10, 1994, 11:00 a.m.: 18 IR 477; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-78 “Review officer” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 78. “Review officer” means a commission staff member assigned by the executive director to review a request for waiver of the convicted felon disqualification sought by an applicant for an occupational license under 68 IAC 2-4. (*Indiana Gaming Commission; 68 IAC 1-1-78; filed Nov 10, 1994, 11:00 a.m.: 18 IR 478; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-79 “Riverboat gambling operation” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 79. “Riverboat gambling operation” means the conducting of gaming and all related activities, including, without limitation, the purveying of food, beverages, retail goods and services, and transportation on a riverboat and at its support facilities. (*Indiana Gaming Commission; 68 IAC 1-1-79; filed Nov 10, 1994, 11:00 a.m.: 18 IR 478; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-79.1 “Riverboat license applicant” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 79.1. “Riverboat license applicant” means an applicant for a riverboat owner's license that has been issued a certificate of suitability under 68 IAC 2-1-5. (*Indiana Gaming Commission; 68 IAC 1-1-79.1; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2247; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-80 “Riverboat licensee” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 80. “Riverboat licensee” means a person who holds a riverboat owner's license under IC 4-33 and 68 IAC 2-1. (*Indiana Gaming Commission; 68 IAC 1-1-80; filed Nov 10, 1994, 11:00 a.m.: 18 IR 478; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-81 “Roulette” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 81. “Roulette” means a game played on a horizontal rotating wheel in which players can bet on which compartment a nonmetallic ball may come to rest. (*Indiana Gaming Commission; 68 IAC 1-1-81; filed Nov 10, 1994, 11:00 a.m.: 18 IR 478; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-82 “Slot machine” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 82. “Slot machine” means a type of electronic gaming device. (*Indiana Gaming Commission; 68 IAC 1-1-82; filed Nov 10, 1994, 11:00 a.m.: 18 IR 478; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-83 “Slug” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 83. “Slug” means a disk, metal or otherwise, that has no cash value. (*Indiana Gaming Commission; 68 IAC 1-1-83; filed Nov 10, 1994, 11:00 a.m.: 18 IR 478; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-84 “Sole proprietor” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 84. “Sole proprietor” means an individual who owns one hundred percent (100%) of the assets and who is solely liable for the debts of a business. (*Indiana Gaming Commission; 68 IAC 1-1-84; filed Nov 10, 1994, 11:00 a.m.: 18 IR 478; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-85 “Substantial creditor” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 85. “Substantial creditor” means the holder of any debt instrument of whatever character, against an individual or business entity, whether secured or unsecured, matured or unmatured, liquidated or unliquidated, absolute, fixed or contingent, the aggregate amount of which is fifty thousand dollars (\$50,000) or more. (*Indiana Gaming Commission; 68 IAC 1-1-85; filed Nov 10, 1994, 11:00 a.m.: 18 IR 478; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-86 “Substantial owner” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-7

Sec. 86. “Substantial owner” means the holder of at least five percent (5%) of the total combined voting power of a corporation or at least five percent (5%) of the total value of shares of all classes of stock of a corporation; or at least a five percent (5%) interest in a partnership; or at least five percent (5%) of the value of a trust computed actuarially; or at least five percent (5%) of the legal or beneficial interest in any other business entity. For purposes of computing the percentages in this section, a holder shall be deemed to own any stock or other interest in a business entity, whether owned directly, indirectly, or attributed. (*Indiana Gaming Commission; 68 IAC 1-1-86; filed Nov 10, 1994, 11:00 a.m.: 18 IR 478; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-87 “Supplier licensee” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-7

Sec. 87. “Supplier licensee” means a person who holds a supplier's license under IC 4-33-7 and 68 IAC 2-2. (*Indiana Gaming Commission; 68 IAC 1-1-87; filed Nov 10, 1994, 11:00 a.m.: 18 IR 479; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-88 “Support facility” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 88. “Support facility” means a place of business which is part of, or operates in connection with, a riverboat gambling operation, is leased or is owned in whole or in part by a riverboat licensee or supplier licensee or any of their key persons, and is located adjacent to or in close proximity to the riverboat, including without limitation, the following:

- (1) Riverboats.
- (2) Offices.
- (3) Docking facilities.
- (4) Parking facilities.
- (5) Land-based hotels or restaurants.
- (6) Passenger pavilion.

(Indiana Gaming Commission; 68 IAC 1-1-88; filed Nov 10, 1994, 11:00 a.m.: 18 IR 479; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 1-1-89 “Surety bond” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 89. “Surety bond” means a contractual arrangement between the surety, the principal, and the obligee that the surety agrees to protect the obligee if the principal defaults in performing the principal's contractual obligation. The bond is the instrument that bonds the surety. *(Indiana Gaming Commission; 68 IAC 1-1-89; filed Nov 10, 1994, 11:00 a.m.: 18 IR 479; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-90 “Surveillance room” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 90. “Surveillance room” means a room(s) on each riverboat for monitoring and recording of gaming and other activities by employees of riverboat gambling operation. *(Indiana Gaming Commission; 68 IAC 1-1-90; filed Nov 10, 1994, 11:00 a.m.: 18 IR 479; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-91 “Table drop” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 91. “Table drop” means the total dollar amount of United States currency, chips, or credit contained in the drop box of a live gaming device. *(Indiana Gaming Commission; 68 IAC 1-1-91; filed Nov 10, 1994, 11:00 a.m.: 18 IR 479; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-92 “Table game” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 92. “Table game” has the meaning set forth in section 59 of this rule. *(Indiana Gaming Commission; 68 IAC 1-1-92; filed Nov 10, 1994, 11:00 a.m.: 18 IR 479; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-93 “Table win” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 93. “Table win” means the dollar amount won by the riverboat licensee through play at a live game which is the total of the table drop, plus ending chip inventory, plus credits, minus opening chip inventory, minus fills. (*Indiana Gaming Commission; 68 IAC 1-1-93; filed Nov 10, 1994, 11:00 a.m.: 18 IR 479; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-94 “Theoretical payout percentage” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 94. “Theoretical payout percentage” means the sum of the number of cash equivalents, credits, or tokens expected to be paid as a result of the jackpots divided by the number of different possible outcomes. (*Indiana Gaming Commission; 68 IAC 1-1-94; filed Nov 10, 1994, 11:00 a.m.: 18 IR 479; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-95 “Token” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 95. “Token” means a metal or metal core representative of value, redeemable for cash only at the issuing riverboat gambling operation and issued and sold by a riverboat licensee for use in electronic gaming devices. (*Indiana Gaming Commission; 68 IAC 1-1-95; filed Nov 10, 1994, 11:00 a.m.: 18 IR 479; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-95.1 “Training license” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-8

Sec. 95.1. “Training license” means a license issued to an occupational training school approved under IC 4-33-8. (*Indiana Gaming Commission; 68 IAC 1-1-95.1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2646; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-96 “Twenty-one” or “blackjack” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 96. “Twenty-one” or “blackjack” means a card game played with a single deck or multiple decks of cards dealt from a shoe. The player attempts to beat the dealer by obtaining a total equal to or less than twenty-one (21) so that his or her total is higher than the dealer's. (*Indiana Gaming Commission; 68 IAC 1-1-96; filed Nov 10, 1994, 11:00 a.m.: 18 IR 479; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-97 “Value chip” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 97. “Value chip” means a chip, clearly and permanently impressed, engraved, or imprinted with the name of the riverboat and the specific value of the chip. (*Indiana Gaming Commission; 68 IAC 1-1-97; filed Nov 10, 1994, 11:00 a.m.: 18 IR 480; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-98 “Wager” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 98. “Wager” means a sum of money or thing of value risked in a gambling game on a licensed riverboat. (*Indiana Gaming Commission; 68 IAC 1-1-98; filed Nov 10, 1994, 11:00 a.m.: 18 IR 480; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

Rule 2. General Procedures

68 IAC 1-2-1 Rules of construction

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 1. In the interpretation of any rules adopted by the commission, any ambiguity shall be resolved in favor of the interpretation which would provide:

- (1) the greater assurance of integrity in either the operation or regulation of riverboat gambling; or
- (2) heightened public confidence in the regulation or regulatory processes relating to riverboat gambling.

(*Indiana Gaming Commission; 68 IAC 1-2-1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2646; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-2-2 Severability

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. (a) If any provision of any rule promulgated by the commission, as now or later amended, or application of any such rule to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

(b) Except in the case of a rule containing a nonseverability provision, each part and application of every rule is severable. If any provision or application of a rule is held invalid, the invalidity does not affect the remainder of the rule unless:

- (1) the remainder is so essentially and inseparably connected with, and so dependent upon, the invalid provision or application that it cannot be presumed that the remainder would have been promulgated without the invalid provision or application; or
- (2) the remainder is incomplete and incapable of being executed in accordance with the commission's intent without the invalid provision or application.

This section applies to every rule promulgated by the commission, regardless of whether enacted before or after the effective date of this section. (*Indiana Gaming Commission; 68 IAC 1-2-2; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2646; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-2-3 Quorum and commission action

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 3. (a) At any meeting of the commission, the presence of four (4) members of the commission constitutes a quorum for the transaction of official business.

(b) Any action of the commission may be effected only upon a motion which is considered by the commission and passed with not fewer than four (4) affirmative votes. (*Indiana Gaming Commission; 68 IAC 1-2-3; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2646; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-2-4 Commission procedure

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 4. Except as provided by this title, the Act, or other statute, the commission shall determine its practices and internal rules of procedure. In the absence of contrary action by the commission, Roberts Rules of Order shall apply. (*Indiana Gaming Commission; 68 IAC 1-2-4; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2647; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-2-5 Commission meetings

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33; IC 5-14-1.5

Sec. 5. All meetings of the commission shall be held in accordance with the Indiana Open Meetings Act, IC 5-14-1.5 et seq., and notice of all such meetings shall be posted at the main offices of the commission and, when possible, at the offices of the commission maintained at the home dock sites of the licensed riverboats. (*Indiana Gaming Commission; 68 IAC 1-2-5; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2647; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-2-5.1 Requests to address the commission

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5; IC 4-22; IC 4-33

Sec. 5.1. (a) Unless otherwise authorized by the executive director, an individual who wishes to address the commission at a meeting held under section 5 of this rule shall submit a written request to address the commission to the executive director at least ten (10) days before the scheduled meeting.

(b) The written request shall contain, at a minimum, the following information:

- (1) The name of the individual who wishes to address the commission.
- (2) The person the individual represents.
- (3) The issue about which the individual wishes to address the commission.
- (4) The amount of time the individual requests.
- (5) The business address and business telephone number at which the individual can be reached.

(c) The individual requesting an allotment of time shall submit any documentation supporting the individual's position and that the individual wants the commission to review to the commission at least five (5) days before the commission meeting. The executive director may require the individual to supplement the written request or to submit additional supporting documentation. The individual submitting any documentation must submit ten (10) copies of the documentation for distribution to the commission.

(d) The executive director may deny any request to address the commission if the individual fails to comply with subsection (b) or (c).

(e) The commission staff shall notify the individual of the executive director's decision regarding the individual's ability to address the commission.

(f) If the executive director denies an individual's request to address the commission, the commission staff shall inform the commission of the request and the denial and may forward any written information submitted by the individual to the commission.

(g) The executive director may waive the time requirements set forth in subsections (a) and (c) if one (1) of the following circumstances exists:

- (1) The executive director determines that the issue the individual will discuss is of such import that it is in the best interest of the public and the gaming industry to waive the time requirements set forth in subsections (a) and (c).
- (2) The timing of the announcement of the date of the meeting makes it impossible for the individual requesting the ability to address the commission to meet the time requirements of subsections (a) and (c).

(h) This section does not apply to hearings conducted under IC 4-21.5 or IC 4-22. (*Indiana Gaming Commission; 68 IAC 1-2-5.1; filed Mar 21, 1997, 10:00 a.m.: 20 IR 2090; filed Jan 30, 1998, 11:00 a.m.: 21 IR 2058; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-2-6 Resolutions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 6. Commission matters that are acted upon during a meeting held under this rule may be memorialized in the form of a resolution signed by the chair and secretary of the commission or in the official minutes of a meeting held under this rule. (*Indiana Gaming Commission; 68 IAC 1-2-6; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2647; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-2-7 Authority of executive director

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 7. Except as provided in section 8 of this rule, the commission hereby delegates to its executive director all power and authority to act in the name of the commission with respect to all desirable and proper actions to administer and carry out the executive functions of the commission or enforce IC 4-33, including, but not limited to, the power to:

- (1) execute and enter into contracts on behalf of the commission;
- (2) incur reasonable and necessary expenses in the name of the commission in the manner provided by law;
- (3) take and hold property on behalf of the commission; and
- (4) hire and fire employees of the commission.

(*Indiana Gaming Commission; 68 IAC 1-2-7; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2647; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-2-8 Exceptions to executive director's authority

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 8. The authority granted in section 7 of this rule shall not extend to any action which the commission has:

- (1) previously considered and specifically rejected; or
- (2) provided contrary directions to the executive director.

(*Indiana Gaming Commission; 68 IAC 1-2-8; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2647; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-2-9 Administrative procedures

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 9. Except as provided in section 10 of this rule, any request for action to be taken by the commission, including applications for licenses, must be filed with the commission not later than a date and time that shall be established by the commission for the filing of such requests or, if no such date and time is established, then not less than ten (10) business days prior to the commission meeting at which the request would be considered. Applications or requests filed later than a deadline established by the commission shall not be considered by the commission except as provided in section 10 of this rule. (*Indiana Gaming Commission; 68 IAC 1-2-9; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2647; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-2-10 Consideration of late applications

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 10. (a) An application, including any request for action to be taken by the commission on an application, which is submitted for filing after a deadline established by the commission may be considered if any of the following occurs:

- (1) The executive director determines the following:
 - (A) That both of the following conditions exist:
 - (i) No other applicant or interested person would be unfairly prejudiced by the delayed submission of the application.
 - (ii) The commission has not taken substantive action with respect to any application submitted prior to the

deadline.

(B) That at least one (1) of the following conditions is present:

(i) The failure to file the application prior to the expiration of the deadline was caused by the action or inaction of a third party which relates to the method or timing of the delivery of the application to the commission.

(ii) The circumstances surrounding the method or timing of the delivery of the application indicate that in the normal course of events the application should have been received by the commission prior to the expiration of the deadline.

(iii) Prior to the expiration of the deadline, the applicant reasonably believed that delivery of the application would occur prior to expiration of the deadline.

(2) The executive director determines that the failure to file the application prior to the expiration of the deadline was caused in whole or in part by incorrect or misleading information or instructions provided by an employee or agent of the commission and that the applicant acted reasonably in relying on such information or instructions taking into consideration the nature of the information or instructions and the identity of the individual providing the information or instructions.

(3) The commission acts to establish a new deadline applicable to all persons to which the original deadline was applicable.

(4) The commission determines that consideration of the application is necessary to prevent manifest injustice.

(b) The commission must, at a meeting held under section 5 of this rule, approve acceptance of the late application or take the other action requested on the application. (*Indiana Gaming Commission; 68 IAC 1-2-10; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2647; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-2-11 Procedure related to amended applications

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 11. An application, including any request for action, may be amended or supplemented subsequent to the expiration of a deadline, in accordance with such procedures as are established by the commission or the executive director and may be considered by the commission as though such an amended or supplemented application had been originally submitted prior to the deadline. (*Indiana Gaming Commission; 68 IAC 1-2-11; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2648; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-2-12 Supplemental deadlines

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 12. The executive director or the commission may establish additional deadlines for the submission of information which supplements, changes, or corrects information or materials previously submitted. The executive director or the commission may refuse to consider any such information that is not submitted in compliance with established deadlines. (*Indiana Gaming Commission; 68 IAC 1-2-12; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2648; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

Rule 3. Economic Development Reports

68 IAC 1-3-1 Reports on economic development projects

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to each riverboat licensee or riverboat license applicant.

(b) The following definitions apply throughout this rule:

(1) "Economic development" means incentives, enhancements, and other proposals made by an applicant for a riverboat owner's license that were made a condition of licensure by the commission or were made a condition of the issuance of a certificate of suitability.

(2) "Riverboat license applicant" means an applicant for a riverboat owner's license that has been issued a certificate of

suitability under 68 IAC 2-1-5.

(Indiana Gaming Commission; 68 IAC 1-3-1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2648; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 1-3-2 Required reports on economic development activities

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. Each riverboat licensee or riverboat license applicant shall report, in a manner determined by the executive director, upon the status of all economic development activities which the riverboat licensee or riverboat license applicant agreed to perform as a condition of licensure or issuance of a certificate of suitability. *(Indiana Gaming Commission; 68 IAC 1-3-2; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2648; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-3-3 Requirement for satisfactory progress toward completion of economic development activities

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. In the event that the executive director determines that the riverboat licensee or riverboat license applicant has not made satisfactory progress to complete any element of economic development activity, the following steps shall be taken:

- (1) The executive director shall advise the riverboat licensee or riverboat license applicant and the commission, in writing, of that determination.
- (2) The executive director or the commission shall require the riverboat licensee or riverboat license applicant to submit a plan to expedite its progress toward completing the activity.
- (3) The commission must accept the plan at a meeting held under 68 IAC 1-2-5.
- (4) The executive director shall monitor the riverboat licensee or riverboat license applicant's progress in implementing the plan, and shall report the status of the progress to the commission either in writing or orally at a meeting held under 68 IAC 1-2-5.
- (5) If the riverboat licensee or riverboat license applicant fails to submit an acceptable plan, or fails to implement the proposed plan after it has been accepted by the commission, disciplinary action may be initiated under 68 IAC 13.

(Indiana Gaming Commission; 68 IAC 1-3-3; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2648; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

Rule 4. Contracts

68 IAC 1-4-1 Purchasing system

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to riverboat licensees and riverboat license applicants.

(b) As used in this rule, "related party" means one (1) of the following:

- (1) An individual or business entity having a pecuniary interest in a riverboat licensee, a riverboat license applicant, or an affiliate thereof if the riverboat licensee, riverboat license applicant, or affiliate is not a publicly held company.
- (2) A holder of more than five percent (5%) of the outstanding shares of a riverboat licensee, a riverboat license applicant, or an affiliate thereof if the riverboat licensee, riverboat license applicant, or affiliate is a publicly held company.
- (3) A key person of a riverboat licensee, a riverboat license applicant, or an affiliate thereof.
- (4) An affiliate of a riverboat licensee or a riverboat license applicant.
- (5) A relative of a holder of more than five percent (5%) of the outstanding shares of a riverboat licensee, a riverboat license applicant, or an affiliate thereof if the riverboat licensee, riverboat license applicant, or affiliate is a publicly held company.
- (6) A relative of a key person of a riverboat licensee, a riverboat license applicant, or an affiliate thereof.
- (7) A relative of an affiliate of a riverboat licensee or a riverboat license applicant.

(8) A trust for the benefit of or managed by a riverboat licensee, a riverboat license applicant, or an affiliate or a key person thereof.

(9) Any other person who is able to control or significantly influence the management or operating policies of a riverboat licensee, a riverboat license applicant, or an affiliate thereof.

(c) The executive director or an agent of the commission may review each contract or transaction entered into by a riverboat licensee or riverboat license applicant upon demand. The contract may be reviewed at the riverboat or the appropriate office or the riverboat licensee or riverboat license applicant may be required to submit two (2) copies of any contract to the commission office in Indianapolis, Indiana.

(d) Each contract or transaction entered into by a riverboat licensee or riverboat license applicant shall contain a provision indicating that the contract may be subsequently disapproved by the commission. (*Indiana Gaming Commission; 68 IAC 1-4-1; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1015; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-4-2 Policy

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) The commission is required to maintain the integrity of the commission and riverboat gambling. Riverboat licensees and riverboat license applicants must encourage confidence in the commission and the riverboat gambling industry by maintaining high standards of honesty, integrity, and impartiality. Riverboat licensees and riverboat license applicants shall promote this policy by entering into contracts and transactions in accordance with the Act and this title, and shall be held accountable for all contracts or transactions entered into under this rule.

(b) The commission is not undertaking the policy of approving contracts, but will maintain oversight over contracts and transactions entered into by riverboat licensees and riverboat license applicants. The commission reserves the right to disapprove and cancel any contract or transaction that does not comply with the Act or this title or does not maintain the integrity of the riverboat gambling industry. (*Indiana Gaming Commission; 68 IAC 1-4-2; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1016; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-4-3 Prohibited contracts

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) No riverboat licensee or riverboat license applicant may enter into or perform any contract or transaction in which it transfers or receives consideration that is not commercially reasonable or does not reflect the fair market value of the goods or services rendered or received as determined at the time that the contract is executed.

(b) Any contract or transaction entered into by a riverboat licensee or a riverboat license applicant that exceeds the total dollar amount of fifty thousand dollars (\$50,000) shall be a written contract.

(c) Each contract or transaction entered into by a riverboat licensee or a riverboat license applicant shall comply with the Act and this title. (*Indiana Gaming Commission; 68 IAC 1-4-3; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1016; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-4-4 Normal purchasing transactions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) The riverboat licensee or riverboat license applicant shall submit an internal control procedure regarding purchasing transactions in accordance with 68 IAC 11-1.

(b) The internal control procedure shall include a statement of policy regarding ethical standards and compliance with state and federal laws. The statement shall prohibit purchasing and contracting personnel from accepting gifts and gratuities from suppliers of goods or services except in accordance with a written policy submitted with the internal control procedures.

(c) The internal control procedures submitted shall include, but not be limited to, the following information:

- (1) The manner in which purchase requisitions will be issued.
- (2) The amounts that can be authorized by various positions or level of personnel.
- (3) Requirements for the competitive bidding process, including the number of bids required.
- (4) Procedures for issuing and approving blanket purchase orders.
- (5) Procedures and approval regarding emergency purchases.
- (6) Criteria for qualifying approved vendors of goods or services based on such factors as the following:
 - (A) Quality of the product or service to be provided.
 - (B) Suitability of the vendor of the goods or services.
 - (C) Price.
 - (D) Any other criteria the commission deems necessary to ensure compliance with the Act and this title.
- (7) Documentation that goods or services acquired were obtained on the basis of fair market value or for a price that is commercially reasonable considering the criteria set forth in subdivision (6).
- (8) Procedures and approval process for the acquisition of goods or services that are unique and not conducive to the normal competitive bid process.
- (9) Procedures to ensure that vendor files maintained by the riverboat licensee or riverboat license applicant contain all forms, documentations, and approvals required by the internal control procedures.
- (10) A prohibition against the purchase or lease of gaming equipment or supplies from other than a supplier licensed under 68 IAC 2-2.
- (11) Procedures for the approval of contracts or transactions in an amount greater than fifty thousand dollars (\$50,000).
- (12) The minimum dollar amount of contracts or transactions with one (1) vendor in a twelve (12) month period that require approval by the board of directors, owner, or their designee. This amount shall not be more than one hundred fifty thousand dollars (\$150,000).
- (13) A written policy regarding the acceptance of gifts or gratuities by purchasing and contracting personnel from suppliers of goods or services.
- (14) Any other procedure the commission deems necessary to ensure compliance with the Act and this title.

(Indiana Gaming Commission; 68 IAC 1-4-4; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1016; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 1-4-5 Related party transactions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. (a) Related party transactions are those between a riverboat licensee or a riverboat license applicant and at least one (1) of the following:

- (1) A related party.
- (2) A relative.
- (3) A dependent.

(b) Unless otherwise directed by the executive director, the internal control procedures for disclosure and approval of related party contracts or transactions do not apply to the following transactions:

- (1) Transactions between a riverboat licensee or a riverboat license applicant and a supplier licensee.
- (2) The payment of dividends to shareholders.
- (3) Scheduled repayments of related party debt.

(c) Each related party transaction shall comply with the internal control procedures set forth in section 4 of this rule and the following provisions:

- (1) Each related party transaction or series of related transactions reasonably anticipated to exceed fifty thousand dollars (\$50,000) in a twelve (12) month period shall be subject to approval by the board of directors, the owner, or a designee of the equivalent level. The duty to approve related party transactions in an amount greater than fifty thousand dollars (\$50,000) shall not be delegated below this level of personnel.
- (2) A written favorable fairness opinion from a reputable and independent organization knowledgeable in the area and approved by the executive director or the commission must be provided for all related party contracts, transactions, or series

of transactions expected to exceed five million dollars (\$5,000,000) unless otherwise directed by the executive director. (*Indiana Gaming Commission; 68 IAC 1-4-5; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1017; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-4-6 Due diligence

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-7-3

Sec. 6. The riverboat licensee or riverboat license applicant shall perform due diligence to ensure that each person that the riverboat licensee or riverboat license applicant enters into a contract or transaction with meets the requirements set forth in IC 4-33-7-3 and 68 IAC 2-2. (*Indiana Gaming Commission; 68 IAC 1-4-6; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1017; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-4-7 Reports to the commission

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-14

Sec. 7. (a) The riverboat licensee or riverboat license applicant shall, quarterly based on a calendar year, file a summary of all contracts or transactions in an amount greater than fifty thousand dollars (\$50,000) or reasonably anticipated to exceed fifty thousand dollars (\$50,000) in a twelve (12) month period. The quarterly reports shall be due on the fifteenth day of April, July, October, and January. The report shall be on forms prescribed by the commission, and shall include the following information:

(1) The name, business address, and business telephone number of the party with which the riverboat licensee or riverboat license applicant entered a contract, and whether or not the party was a related party.

(2) The amount of the transaction or payments under the contract.

(3) The terms of the contract, including the date of execution.

(4) The nature of the transaction, including the type of goods or services to be provided.

(5) A determination of how the fair market value of the contract, goods, or services was ascertained.

(6) The amount of each contract that will be counted toward a minority or women's business enterprise goal under IC 4-33-14, and which goal that amount will be counted toward.

(7) A statement certifying that all contracts summarized in the quarterly report are in compliance with this rule. The certification statement shall be signed by the general manager, or the equivalent, of the riverboat licensee or riverboat license applicant.

(8) Any other information the commission deems necessary to ensure compliance with the Act or this title.

(b) The quarterly report shall contain the information set forth in subsection (a) with respect to any oral contracts in an amount greater than twenty-five thousand dollars (\$25,000) in a twelve (12) month period.

(c) By January 31 of each year, the riverboat licensee or riverboat license applicant shall file with the commission a recapitulation of each contract required to be reported under this rule and entered into during the previous twelve (12) month period. The recapitulation shall be on a form prescribed by the commission and shall contain the information outlined in subsection (a).

(d) The commission reserves the right to terminate any contract that is not in compliance with the Act and this title. Submission of the quarterly and annual reports with subsequent review by the commission does not constitute approval of the contract by the commission. (*Indiana Gaming Commission; 68 IAC 1-4-7; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1017; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-4-8 Automatic contract submissions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 8. (a) Any contract, transaction, or series of transactions in an amount greater than five hundred thousand dollars (\$500,000) in any twelve (12) month period shall be submitted to the commission within ten (10) calendar days of the execution of the contract or transaction. The riverboat licensee or the riverboat license applicant shall submit two (2) copies of the contract

and two (2) copies of an executive summary of the contract. The executive summary shall be on forms prescribed by the commission, and shall contain, at a minimum, the information set forth in section 7 of this rule.

(b) Contracts submitted under this section are not submitted for commission approval, but the commission reserves the right to disapprove and subsequently cancel any contract that it determines does not comply with the Act and this title.

(c) Contracts submitted in accordance with this section must also be included in the quarterly and annual reports submitted in accordance with section 7 of this rule. (*Indiana Gaming Commission; 68 IAC 1-4-8; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1018; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-4-9 Trade secrets

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33; IC 5-14-3

Sec. 9. Materials, or portions of materials, submitted under this rule may be identified as confidential trade secrets, as defined by IC 5-14-3, of the licensee or applicant for a license or of any other person and will be disclosed by the commission only in accordance with the requirements of law. (*Indiana Gaming Commission; 68 IAC 1-4-9; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1018; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-4-10 Violation of rule

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 10. If the commission determines that a riverboat licensee or riverboat license applicant has violated this rule, the commission may initiate an investigation and disciplinary action under 68 IAC 13. (*Indiana Gaming Commission; 68 IAC 1-4-10; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1018; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-4-11 Waiver of requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 11. The executive director or the commission may waive, restrict, or alter any requirement or procedure set forth in this rule if the executive director or the commission determines that the requirement or procedure is impractical or burdensome, and such waiver, restriction, or alteration is in the best interest of the public and the gaming industry, and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure. (*Indiana Gaming Commission; 68 IAC 1-4-11; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1018; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-4-12 Reports by the executive director

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33; IC 5-14-1.5-6.1

Sec. 12. The executive director shall report, to the commission, any action he or she has taken or contemplates taking under this rule with respect to contracts at a meeting held under 68 IAC 2-1-5 or an executive session held under IC 5-14-1.5-6.1. The commission may direct the executive director to take additional or different action. (*Indiana Gaming Commission; 68 IAC 1-4-12; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1018; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

Rule 5. General Reporting Requirements

68 IAC 1-5-1 Obligation to report certain events

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. Any riverboat or supplier licensee shall provide a written notice to the executive director at such time as it becomes aware of the following:

- (1) Any violation or apparent violation of any rule of the commission by any of the following:
 - (A) The riverboat or supplier licensee.
 - (B) Any substantial owner, key person, or employee of the riverboat or supplier licensee.
 - (C) Any person, acting or authorized to act on behalf of, or in furtherance of the interests of the riverboat or supplier licensee or any affiliate of the licensee.
- (2) Any change in status of any owner's license, supplier's license, or the equivalent issued to it or an affiliate by any other governmental entity.
- (3) Any civil litigation filed against the riverboat or supplier licensee.
- (4) Any criminal, civil, or administrative action, threatened action, or investigation initiated by any governmental entity against the riverboat or supplier licensee.
- (5) Any claims made by any governmental entity concerning any tax liability of a licensee or any key person or substantial owner of the licensee.
- (6) Any civil, criminal, administrative, or tax action initiated by or against an employee of the riverboat licensee if the action relates to the gaming activity conducted by the riverboat licensee.
- (7) Any civil, criminal, administrative, or tax action initiated against a key person, substantial owner, or an affiliate of a riverboat or supplier licensee, if such action relates to a gaming operation under the jurisdiction of any governmental entity.
- (8) Any bankruptcy, receivership, or debt adjustment initiated by or against the riverboat or supplier licensee or any affiliate thereof or the licensee's substantial owners.
- (9) Any Title 31 compliance review conducted by the Internal Revenue Service. The riverboat or supplier licensee must provide a copy of any compliance review report or the equivalent within ten (10) days of the receipt of the report by the licensee.
- (10) Any action, event, or nonevent, with respect to which the executive director has instructed the licensee to provide notice so that the executive director can ensure that the licensee continues to maintain suitability for licensure.

(Indiana Gaming Commission; 68 IAC 1-5-1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2649; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2247; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 1-5-2 Applicant's obligation to report certain events

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. An applicant for any license is required to provide a written notice to the executive director under the same circumstances as apply to a licensee except to the extent that the executive director may waive such requirements. *(Indiana Gaming Commission; 68 IAC 1-5-2; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2649; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-5-3 Contents of notice and supplementation requirement

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 3. The written notice required under this rule shall provide such detail as is reasonably required to describe the reported event and shall be supplemented at such times and in such detail as may be requested by the executive director. *(Indiana Gaming Commission; 68 IAC 1-5-3; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2649; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

Rule 6. Appearance by Attorneys or Representatives for Hearings and Reviews

68 IAC 1-6-1 Eligibility to appear and scope of practice

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-21.5-3-15; IC 4-33-3-23; IC 4-33-4-7; IC 4-33-4-17

Sec. 1. (a) No person shall be eligible to practice before the commission unless the person has appeared in accordance with this title. An individual may appear on his or her own behalf, a partnership may be represented by a partner, and a party may be represented by a representative in accordance with IC 4-21.5-3-15.

(b) Practice before the commission shall include all matters before the commission, including, but not limited to, applications, licensing, and all other matters pertinent to the hearing or review, including, but not limited to, the preparation of pleadings and motions, settlement offers, subpoenas, depositions, oral arguments, presentation of the case, and other documents or material presented to the commission.

(c) Only individual attorneys may file appearances. Any attorney who has not filed an appearance may not address the hearing or review officer or sign pleadings or offers of settlement.

(d) All attorneys who appear in a representative capacity on behalf of a petitioner or a subject of exclusion under IC 4-33-4-7 and 68 IAC 6 must file written notice of appearance setting forth the following:

(1) The name, address, and telephone number of the attorney.

(2) The name and address of the petitioner or subject of exclusion represented.

(3) An affirmative statement indicating that the attorney is licensed in Indiana and setting forth the attorney's number.

A representative of a petitioner or a subject of exclusion that is not an attorney must set forth the information requested in subsections [subdivisions] (1) and (2).

(e) A member in good standing of the bar of the highest court of any state or of any United States District Court may, upon motion, be permitted to argue or conduct a hearing in whole or in part upon any condition the commission may impose.

(f) The commission may require an attorney or representative appearing before it to disclose the identity of the person the attorney or representative represents and to present proof that the attorney or representative is authorized to act on the client's behalf.

(g) An attorney may only withdraw his or her appearance upon written notice to the hearing officer. (*Indiana Gaming Commission; 68 IAC 1-6-1; filed Nov 10, 1994, 11:00 a.m.: 18 IR 480; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-6-2 Suspension and revocation of ability to practice before commission

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-3-23; IC 4-33-4-17

Sec. 2. (a) An attorney's ability to practice before the commission shall be automatically suspended without a hearing if the attorney's professional license is suspended or revoked.

(b) An attorney practicing before the commission may have his or her ability to appear suspended or revoked if, after a hearing, the commission finds the following:

(1) The attorney made a materially false or misleading statement in the attorney's written notice of appearance.

(2) The attorney willfully failed to exercise due diligence in the preparation or presentation of any motion, documents, or other matter related to the case filed with or presented to the review officer, hearing officer, or commission, or knowingly misrepresented a material fact to the review officer, hearing officer, or commission.

(3) The attorney willfully violated or aided and abetted another in the violation of any provision of the Act or this title.

(4) The attorney:

(A) does not possess the requisite qualifications or expertise to represent others before the commission;

(B) lacks character and integrity; or

(C) has engaged in unethical or improper conduct.

(5) For any other action or reason that the commission deems necessary to warrant suspension or revocation of an attorney's ability to practice before the commission.

(c) The commission may refer an attorney to the appropriate disciplinary commission or agency if the attorney engaged in any action listed in subsection (b). (*Indiana Gaming Commission; 68 IAC 1-6-2; filed Nov 10, 1994, 11:00 a.m.: 18 IR 480; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-6-3 Reinstatement

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-3-23; IC 4-33-4-17

Sec. 3. (a) An attorney whose ability to appear is suspended or revoked under subsection 2(a) of this rule [*sic.*, section 2(a) of this rule] shall automatically be reinstated to practice before the review officer, hearing officer, or commission at the time the attorney's professional license is reinstated.

(b) An attorney whose ability to appear is suspended or revoked under section 2 of this rule may be reinstated by the commission upon a showing of good cause. An applicant for reinstatement shall be afforded a hearing before the commission upon application. The commission may require that the applicant for reinstatement pay the reasonable costs of the proceeding.

(c) If the commission referred an attorney to a disciplinary commission or agency under section 2 of this rule, the attorney shall not be reinstated to practice before the commission before any disciplinary action initiated as a result of the referral has been completed. (*Indiana Gaming Commission; 68 IAC 1-6-3; filed Nov 10, 1994, 11:00 a.m.: 18 IR 481; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-6-4 Effect of representation; service

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3-1; IC 4-33-3-23; IC 4-33-4-17

Sec. 4. (a) A person represented before the commission by an attorney or representative under this rule shall be bound by the acts or omissions of the attorney or representative to the same extent as if the person had acted or failed to act personally.

(b) In any appearance by an attorney or representative at any hearing or meeting of the commission, the client is deemed to have waived all privileges with respect to any information in the possession of the attorney or representative, or any testimony by the attorney or representative except for privileges afforded by the constitution or laws of Indiana, the rules of the Indiana supreme court, or the constitution or laws of the United States, where applicable.

(c) Service shall be made in accordance with IC 4-21.5-3-1. (*Indiana Gaming Commission; 68 IAC 1-6-4; filed Nov 10, 1994, 11:00 a.m.: 18 IR 481; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-6-5 Obligations of truthfulness and due diligence

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3; IC 4-33-3-23; IC 4-33-4-17

Sec. 5. (a) Attorneys or representatives appearing before the review officer, hearing officer, or commission shall not be intentionally untruthful, nor withhold any information that the review officer, hearing officer, or commission is entitled to receive, nor interfere with any lawful effort by the commission to obtain such information.

(b) Attorneys or representatives shall exercise due diligence in preparing or assisting in the preparation of documents for submission to the review officer, hearing officer, or commission.

(c) An attorney or representative appearing under this rule has a continuing responsibility on behalf of the attorney's or representative's client to monitor the accuracy and completeness of information submitted to the commission in any matters pertaining to the attorney's or representative's appearance on behalf of the client. To the extent not in conflict with the attorney-client privilege, whenever, during the pendency of an action or matter, an attorney of record becomes aware that information furnished to the commission is no longer accurate and complete in any material respect, the attorney shall promptly supplement or correct the information. (*Indiana Gaming Commission; 68 IAC 1-6-5; filed Nov 10, 1994, 11:00 a.m.: 18 IR 481; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-6-6 Knowledge of client's omission

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3; IC 4-33-3-23; IC 4-33-4-17

Sec. 6. (a) An attorney or representative who knows that a client has not complied with the Act or this title, or that a client has made a material error in or a material omission in any information or testimony presented to the review officer, hearing officer, or commission, shall promptly advise his or her client of the fact of the noncompliance, error, or omission.

(b) To the extent not in conflict with the attorney-client privilege, the attorney shall advise the hearing officer, review officer, or commission of the noncompliance, error, or omission. (*Indiana Gaming Commission; 68 IAC 1-6-6; filed Nov 10, 1994, 11:00*

a.m.: 18 IR 481; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 1-6-7 Certification of documents

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-21.5-3-1; IC 4-33-3-23; IC 4-33-4-17

Sec. 7. (a) Every pleading, motion, subpoena, settlement offer, brief, stipulation of fact, or other document prepared or filed on behalf of a client must be signed by the attorney or representative, and the signature shall constitute a certification that the document was prepared in conformity with the requirements of the Act and this title.

(b) An attorney or representative may not verify any document required to be verified by the petitioner. (*Indiana Gaming Commission; 68 IAC 1-6-7; filed Nov 10, 1994, 11:00 a.m.: 18 IR 481; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

Rule 7. Weapons

68 IAC 1-7-1 Weapons on the riverboat

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-8; IC 35-41-1-17

Sec. 1. (a) The following definitions apply throughout this rule:

- (1) "Federal enforcement officer" has the meaning set forth in 5 U.S.C. 8331 or IC 35-41-1-17, or both.
- (2) "Law enforcement officer" has the meaning set forth in IC 35-41-1-17.
- (3) "Security personnel" means an employee of the riverboat licensee or a supplier licensee who:
 - (A) holds the appropriate level of occupational license under IC 4-33-8 and 68 IAC 2-3; and
 - (B) is employed in the riverboat licensee's security department or by a supplier licensee that contractually provides security services to a riverboat licensee.

(b) No individual other than a commission agent shall carry a weapon on board the riverboat during any excursion. A law enforcement officer or a federal enforcement officer whose sole purpose for being on the riverboat is the performance of official duties and who has advised the commission agent or the commission that the officer will be on board the riverboat during an excursion shall be allowed to carry a weapon on board the riverboat during an excursion.

(c) The riverboat licensee shall post a sign in a prominent place at the point of passenger ingress stating, "No weapons are allowed beyond this point. Failure to comply with this rule may result in the immediate removal from the riverboat, immediate detention by security personnel, the imposition of civil penalties or exclusion under IC 4-33."

(d) The riverboat licensee shall provide a secure place to which patrons do not have access to store weapons checked by patrons, off duty law enforcement officers, or off duty federal enforcement officers.

(e) Security personnel may carry a weapon on board the riverboat during times that patrons are not present. (*Indiana Gaming Commission; 68 IAC 1-7-1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2649; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

Rule 8. Support Facility Standards

68 IAC 1-8-1 Standards for support facilities

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 1. (a) This rule applies to each riverboat licensee or riverboat license applicant.

(b) As used in this rule, "riverboat license applicant" means an applicant for a riverboat owner's license that has been issued a certificate of suitability under 68 IAC 2-1-5. (*Indiana Gaming Commission; 68 IAC 1-8-1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2650; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-8-2 Compliance with other requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. All facilities utilized by a riverboat licensee or proposed by a riverboat license applicant to support riverboat gambling operations shall be constructed and maintained in accordance with all applicable federal, state, and local statutes, rules, and regulations, including, but not limited to, those pertaining to safety and accessibility. (*Indiana Gaming Commission; 68 IAC 1-8-2; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2650; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-8-3 Submission of support facility building documents

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 3. Upon the request of the executive director, artists' renderings and architectural and engineering drawings of the support facilities shall be submitted to the executive director not less than thirty (30) days prior to the initiation of construction activities unless the drawings were approved during the application process. Support facilities shall be constructed in accordance with approved renderings and drawings submitted. (*Indiana Gaming Commission; 68 IAC 1-8-3; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2650; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-8-4 Notice of intention to seek variances or waivers

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 4. A riverboat licensee or a riverboat license applicant may not obtain any variance from any statute or rule concerning facility safety or accessibility without providing the executive director with a notice of its intention to seek such a variance no less than fourteen (14) days prior to presenting the request for such a variance to the official or governing body empowered to make a final decision on the request. (*Indiana Gaming Commission; 68 IAC 1-8-4; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2650; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

Rule 9. Riverboat Commission Surveillance Room, Commission Dockside Office, and Processing Area

68 IAC 1-9-1 Applicability; definitions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 1. (a) This rule shall applies [*sic.*] to each riverboat licensee.

(b) The following definitions apply throughout this rule:

(1) "Central computer system" means one (1) or more computer systems that meet the following requirements:

(A) Is connected to all electronic gaming devices in the riverboat to record and monitor the activities of the electronic gaming devices, including, but not limited to, the following or the equivalent:

- (i) The opening of any door of the electronic gaming device.
- (ii) Hopper credits and fills.
- (iii) Last game recount for a minimum of five (5) games.
- (iv) Drop bucket collection.

(B) Is capable of monitoring the activities of the live gaming devices, including, but not limited to, the following or the equivalent:

- (i) Table fills.
- (ii) Table credits.
- (iii) Table game inventories.
- (iv) Employee gratuity deposit accounting.

(C) Is capable of monitoring the activities of the main bank and all cages, including, but not limited to, the following or the equivalent:

- (i) Manual payouts.
- (ii) Hopper credits and hopper fills.
- (iii) Table credits and fills.
- (iv) Hard and soft count summary log.
- (v) Master gaming report.
- (vi) Cashier checkout.
- (vii) Main bank and cage inventory.
- (viii) Deposits.
- (ix) Cash transaction reports.
- (x) Patron credit.

(D) Is capable of monitoring the riverboat licensee's accounting package.

(2) "Commission agent" means one (1) of the members of the Indiana state police department who is assigned to work with the commission's gaming enforcement section.

(3) "Interim compliance period" means the period of time between the issuance of a certificate of suitability and the issuance of a permanent riverboat owner's license or the issuance of a notice of denial.

(4) "Main bank", or its equivalent, means the department that is responsible for the following:

- (A) Cashing customer checks.
- (B) Establishing hold check privileges.
- (C) Redeeming chips or tokens, or both.
- (D) Providing working funds to all operational departments.
- (E) Assuming responsibility for the following persons and physical structures:
 - (i) Casino cashiers.
 - (ii) Change attendants.
 - (iii) Main bank vaults.
 - (iv) Any other structure that houses tokens, chips, or other representatives of value that the main bank is accountable for.

(5) "Riverboat license applicant" means an applicant for a riverboat owner's license that has been issued a certificate of suitability under 68 IAC 2-1-5.

(c) Each riverboat licensee shall provide a riverboat commission surveillance room aboard the riverboat. The riverboat commission surveillance room shall be for the exclusive use of the commission and commission agents.

(d) Each riverboat licensee shall provide a commission dockside office at the dockside support facilities. The commission dockside office shall be for the exclusive use of the commission and commission agents.

(e) Each riverboat licensee shall provide a processing area at the dockside support facilities. The processing area shall be for the exclusive use of the commission and commission agents.

(f) The riverboat license applicant shall submit the plans for the commission surveillance room, commission dockside office, and processing area to the executive director for approval as to size and design during the interim compliance period. The executive director shall approve the plans for the commission surveillance room, commission dockside office, and processing area, in writing, within thirty (30) days of receipt of the plans.

(g) The riverboat licensee or riverboat license applicant shall provide a minimum of five (5) parking spaces for use by the commission and commission agents in close proximity to the riverboat.

(h) The riverboat licensee shall be responsible for providing the on-site and off-site repair of computer and related equipment and shall, in a timely manner, provide replacement equipment approved by the executive director or the executive director's designee when deemed necessary by the executive director or the executive director's designee to ensure compliance with the Act and this title. (*Indiana Gaming Commission; 68 IAC 1-9-1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2650; filed Dec 29, 1998, 10:48 a.m.: 22 IR 1424; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-9-2 Riverboat commission surveillance room requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) The riverboat commission surveillance room shall meet the following requirements:

- (1) Be of sufficient size to accommodate two (2) individuals and the equipment listed in subsection (b).
 - (2) Be in close proximity to the surveillance room or the security room, or both.
 - (3) The interior of the riverboat commission surveillance room shall not be visible to the patrons or employees of the riverboat licensee.
 - (4) The riverboat commission surveillance room shall have locks that are not accessible with keys that open any other door within the riverboat gambling operation. Only the commission, commission agents and the master shall possess keys that access the riverboat commission surveillance room. The master shall use the keys to the riverboat commission surveillance room only in the event of an emergency.
 - (5) Be furnished with office furniture sufficient to accommodate two (2) individuals.
- (b) The riverboat licensee shall equip the riverboat commission surveillance room with the following:
- (1) A personal computer with view and print access to all of the riverboat licensee's computer equipment aboard the riverboat, including, but not limited to, the following:
 - (A) Player tracking system.
 - (B) Patron credit system.
 - (C) Central computer system.

The personal computer shall have off line word processing capabilities that are compatible with the commission computer system.

- (2) A printer attached to the personal computer described in subdivision (1).
- (3) A minimum of three (3) video monitors that meet the following requirements:
 - (A) The video monitors must be of the same or higher quality of those utilized in the surveillance room.
 - (B) At least one (1) video monitor must be a color video monitor.
 - (C) Each video monitor must be equipped with video tape recorders to record and play back video tapes. The video tape recorders shall be of equal or better quality than those utilized in the surveillance room.
 - (D) The video monitors must be capable of monitoring or recording, or both, without being overridden, anything visible by video monitor to employees of the riverboat licensee working in the surveillance room.
- (4) A video printer capable of generating instantaneously, upon command, a clear color or black and white, or both, copy of the image depicted on video tape.
- (5) A date and time generator synchronized to a central clock capable of being displayed on any of the video monitors and being recorded on video tape.
- (6) A separate and segregated telephone communication system for the exclusive use of the commission agents.
- (7) A telephone communication system that is integrated with the casino telephone system.
- (8) At least two (2) portable radios that have listen and talk capabilities that can monitor all casino radio systems, including the riverboat licensee's security radio system.
- (9) A computer system that will immediately notify commission agents of any access to or egress from the following:
 - (A) Surveillance room.
 - (B) Hard count room.
 - (C) Soft count room.
 - (D) Cages.
 - (E) Vaults.
 - (F) Any other room or area of the riverboat deemed necessary by the executive director to ensure compliance with the Act and this title.
- (10) A fireproof, lockable file cabinet. Only the commission and commission agents shall have keys that access the file cabinet in the riverboat commission surveillance room.
- (11) Any other equipment deemed necessary by the executive director to ensure compliance with the Act and this title.

(Indiana Gaming Commission; 68 IAC 1-9-2; filed Jun 23, 1995, 2:30 p.m.; 18 IR 2651; readopted filed Oct 15, 2001, 4:34 p.m.:

25 IR 898)

68 IAC 1-9-3 Commission dockside office

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) The commission dockside office shall meet the following requirements:

(1) Be of sufficient size to accommodate two (2) individuals, the equipment listed in subsection (b), and the processing room described in section 4 of this rule.

(2) Be in close proximity to the administrative offices or the dockside security offices.

(3) The interior of the commission dockside office shall not be visible to the patrons or employees of the riverboat licensee.

(4) The commission dockside office shall have locks that are not accessible with keys that open any other door within the riverboat gambling operation. Only the commission and commission agents shall possess keys that access the commission dockside office.

(5) Be furnished with office furniture sufficient to accommodate two (2) individuals.

(b) The commission dockside office shall contain the following equipment:

(1) A personal computer with view and print access to all of the riverboat licensee's computer equipment aboard the riverboat, including, but not limited to, a player tracking system, a patron credit system, and a central computer system. The personal computer must be able to network with the commission computer system and with the processing area computer equipment set forth in section 4 of this rule. The riverboat licensee is responsible for providing the technical support necessary to ensure that the personal computer in the commission dockside office can network with the commission computer system and the processing area computer equipment. The personal computer must have the following software installed:

(A) Operating system software.

(B) Word processing software.

(C) Electronic mail software.

(D) Virus protection software.

(E) Any other software deemed necessary by the executive director or the executive director's designee to ensure compliance with the Act and this title.

All software programs must be approved by the executive director or the executive director's designee as being sufficient to ensure compliance with the Act and this title. The riverboat license [*sic., licensee*] is responsible for providing the appropriate licenses and upgrades for each software product.

(2) A personal computer that is compatible with the commission computer system that can network with the commission computer system and that can network with the processing area computer equipment as set forth in section 4 of this rule. The riverboat licensee is responsible for providing the technical support necessary to ensure that the personal computer in the commission dockside office can network with the commission computer system and the processing area computer equipment. The personal computer must have the following software installed:

(A) Operating system software.

(B) Word processing software.

(C) Electronic mail software.

(D) Virus protection software.

(E) Any other software deemed necessary by the executive director or the executive director's designee to ensure compliance with the Act and this title.

All software programs must be approved by the executive director or the executive director's designee as being sufficient to ensure compliance with the Act and this title. The riverboat license [*sic., licensee*] is responsible for providing the appropriate licenses and upgrades for each software product.

(3) A stand-alone high speed printer that can be networked and shared by all personal computers contained in the commission dockside office and processing area.

(4) A minimum of two (2) video monitors that meet the following requirements:

(A) The video monitors must be of the same or higher quality of those utilized in the surveillance room.

(B) At least one (1) video monitor must be color.

(C) Each video monitor must be equipped with video tape recorders to record and play back video tapes. The video tape recorders shall be of equal or better quality than those utilized in the surveillance room.

(D) The video monitors must be capable of monitoring or recording, or both, without being overridden, anything visible by video monitor to employees of the riverboat licensee at the support facilities.

(E) The video monitors must be capable of monitoring and recording, without being overridden, anything visible to employees of the riverboat licensee working in the surveillance room on the riverboat while the riverboat is docked.

(5) A video printer capable of generating instantaneously, upon command, a clear color or black and white, or both, copy of the image depicted on video tape.

(6) A date and time generator synchronized to a central clock capable of being displayed on any of the video monitors and being recorded on video tape.

(7) A separate and segregated telephone communication system for the exclusive use of the commission agents.

(8) A separate and segregated telephone communications system for state police microwave communications.

(9) A telephone communication system that is integrated with the riverboat licensee's telephone system.

(10) An electric typewriter.

(11) At least one (1) portable radio that has listen and talk capabilities that can monitor all casino radio systems, including the riverboat licensee's security radio system.

(12) A computer system that will immediately notify commission agents of any access to or egress from any money retention area located at the support facilities and access to or egress from the following while the riverboat remains at the dock:

(A) Surveillance room.

(B) Hard count room.

(C) Soft count room.

(D) Cages.

(E) Vaults.

(F) Any other room or area of the riverboat deemed necessary by the executive director to ensure compliance with the Act and this title.

(13) A fireproof, lockable file cabinet. Only the commission and commission agents shall have keys that access the file cabinet in the commission surveillance room.

(14) A commercial grade photocopier.

(15) A facsimile machine.

(16) Any other equipment deemed necessary by the executive director to ensure compliance with the Act and this title.

(Indiana Gaming Commission; 68 IAC 1-9-3; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2652; errata filed Aug 17, 1995, 1:30 p.m.: 19 IR 42; filed Jan 30, 1998, 11:00 a.m.: 21 IR 2055; filed Dec 29, 1998, 10:48 a.m.: 22 IR 1425; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 1-9-4 Processing area

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-13.4; IC 4-33

Sec. 4. (a) There shall be separate space at the support facilities to allow commission agents to continually process applicants for occupational licenses. This space shall meet the following requirements:

(1) Be of sufficient size to allow the processing of multiple applicants for occupational licenses.

(2) Be in direct proximity to the commission dockside office.

(b) The riverboat licensee shall equip the processing area with an integrated computer system that meets the following requirements:

(1) Is capable of recording background data.

(2) Is capable of taking digital ten (10) print live-scan fingerprints that meet the requirements of the Federal Bureau of Investigation.

(3) Contains a digitized photograph station system, including a camera and all related equipment to produce identification cards bearing the following:

(A) A photograph at least three-fourths ($\frac{3}{4}$) of an inch square.

(B) The information set forth in 68 IAC 2-3-6.

(4) Is capable of reading a magnetic stripe as described in 68 IAC 2-3-6.

(5) The riverboat licensee or riverboat license applicant shall purchase the integrated computer system from a vendor chosen in accordance with IC 4-13.4 and 25 IAC. This system shall be the property of the commission.

(c) A personal computer that will allow commission agents to access and maintain the occupational licensee database. The personal computer must have the following software installed:

(1) Operating system software.

(2) Word processing software.

(3) Electronic mail software.

(4) Virus protection software.

(5) Occupational license database software.

(6) Any other software deemed necessary by the executive director or the executive director's designee to ensure compliance with the Act and this title.

All software programs must be approved by the executive director or the executive director's designee as being sufficient to ensure compliance with the Act and this title. The riverboat license [*sic., licensee*] is responsible for providing the appropriate licenses and upgrades for each software product.

(d) The riverboat licensee shall be responsible for providing the upgrades to the integrated computer system that are deemed necessary by the commission to ensure compliance with the Act and this title. (*Indiana Gaming Commission; 68 IAC 1-9-4; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2653; filed Jan 30, 1998, 11:00 a.m.: 21 IR 2055; filed Dec 29, 1998, 10:48 a.m.: 22 IR 1427; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-9-5 Waiver of requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. The executive director may waive, restrict, or alter any requirement or procedure set forth in this rule if the executive director determines that the requirement or procedure is impractical or burdensome, and such waiver, restriction, or alteration is in the best interest of the public and the gaming industry, and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure. (*Indiana Gaming Commission; 68 IAC 1-9-5; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2653; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

Rule 10. Floor Plans

68 IAC 1-10-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) Riverboat licensees or riverboat license applicants must submit a floor plan or floor plans outlining each deck of the riverboat and the location, number, or position of each electronic gaming device and live gaming device. The floor plan or floor plans must be submitted, in accordance with 68 IAC 17-1-2(d), to the executive director at least twenty (20) days before the commencement of gambling operations.

(c) The riverboat licensee must notify the executive director and a commission agent at least five (5) days before utilizing a floor plan that has previously been submitted to the executive director.

(d) Amendments to the floor plan or floor plans must be submitted to the executive director at least five (5) days before the amendment is utilized. The riverboat licensee must also provide this information to the commission agent. (*Indiana Gaming Commission; 68 IAC 1-10-1; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3290; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3290; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-10-2 Compliance with rule

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. Failure to comply with this rule may result in the initiation of a disciplinary action under 68 IAC 13. (*Indiana Gaming Commission; 68 IAC 1-10-2; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3290; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-10-3 Waiver of requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 3. The executive director or the commission may waive, alter, or restrict any requirement or procedure set forth in this rule if the executive director or the commission determines the following:

- (1) The procedure or requirement is impractical or burdensome and the waiver, alteration, or restriction is in the best interest of the public and the gaming industry.
- (2) The waiver of the procedure or requirement is not outside the technical requirements necessary to serve the purpose of the requirement or procedure.

(*Indiana Gaming Commission; 68 IAC 1-10-3; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3290; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-10-4 Reports by the executive director

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 4. The executive director shall report any action he or she has taken or contemplates taking under this rule to the commission at the next meeting held under 68 IAC 1-2-5. The commission may direct the executive director to take additional or different action. (*Indiana Gaming Commission; 68 IAC 1-10-4; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3290; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

Rule 11. Riverboat Gaming Area

68 IAC 1-11-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) For purposes of this rule, all areas of a riverboat shall be considered an area where gambling is being conducted.

(c) A person under twenty-one (21) years of age shall not be present on a riverboat. (*Indiana Gaming Commission; 68 IAC 1-11-1; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3319; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-11-2 Compliance with rule

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. Failure to comply with this rule may result in the initiation of a disciplinary action under 68 IAC 13. (*Indiana Gaming Commission; 68 IAC 1-11-2; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3319; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

Rule 12. Complimentary Chip and Token Distribution Programs

68 IAC 1-12-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) Riverboat licensees may, for specified marketing purposes, provide patrons with coupons that are redeemable for complimentary chips or tokens, or both.

(c) Complimentary chips or tokens shall be distributed only in accordance with this rule. (*Indiana Gaming Commission; 68 IAC 1-12-1; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3296; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-12-2 Submission of internal controls for a complimentary chip and token program

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. (a) Submission of the internal control procedures concerning complimentary chips and token programs shall be handled in the following manner:

(1) The riverboat licensee shall submit internal control procedures to the executive director or the executive director's designee at least twenty (20) days prior to the initiation of the program.

(2) The executive director or designee shall, in writing, approve the internal control procedures, in total or in part.

(3) Any portion of the internal control procedures not approved by the executive director or designee shall be revised and resubmitted by the riverboat licensee within the time frame established by the executive director or designee. This method shall be followed until all portions of the internal control procedures have been approved or approval cannot be obtained.

(4) No internal control procedures may be utilized by a riverboat licensee unless the internal control procedure has been approved, in writing, by the executive director or designee.

(b) If the executive director determines, at any time, that approved internal control procedures are not adequate to ensure compliance with the Act and this title, the executive director may direct the riverboat licensee, in writing, to amend its internal control procedure in accordance with section 3 of this rule. (*Indiana Gaming Commission; 68 IAC 1-12-2; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3297; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-12-3 Amendments to internal control procedures

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 3. Amendments to the internal control procedures with respect to complimentary chip and token programs shall be handled in the following manner:

(1) Unless otherwise provided by the executive director or the executive director's designee, amendments to the internal control procedures must be submitted to the executive director at least twenty (20) days prior to the utilization of the amended internal control procedure.

(2) The executive director or designee shall, in writing, approve the amendment to the internal control procedure, in total or in part.

(3) No amendment to internal control procedures may be utilized by a riverboat licensee unless the amendment to the internal control procedure has been approved, in writing, by the executive director or designee.

(*Indiana Gaming Commission; 68 IAC 1-12-3; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3297; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-12-4 Accounting procedures and distribution program

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 4. (a) At least two (2) departments must be responsible for administering the program. One (1) department shall be

responsible for storing the coupons and the other department shall be responsible for issuing the coupons.

(b) Coupons received from a vendor shall be opened and examined by at least two (2) individuals from different departments. Any deviations in the coupons ordered and coupons received shall be recorded in compliance with subsection (c) and shall be reported immediately to the appropriate supervisor.

(c) The riverboat licensee shall maintain a Coupon Control Ledger on forms approved by the commission. The Coupon Control Ledger shall contain, at a minimum, the following information:

- (1) The date the coupons were received.
- (2) The type and quantity of coupons received.
- (3) The beginning serial number of the coupons received.
- (4) The ending serial number of the coupons received.
- (5) The purchase order number or requisition number for the coupons received.
- (6) The signatures and occupational license numbers of all individuals who examined the coupons upon receipt of the coupons.
- (7) The date the coupons were issued to the distribution department.
- (8) The beginning serial number of the coupons issued to the distribution department.
- (9) The ending serial number of the coupons issued to the distribution department.
- (10) The number and quantity of coupons issued to the distribution department.
- (11) The balance of unissued coupons on hand.
- (12) The name, title, occupational license number, and signature of the representative issuing the coupons.
- (13) The name, title, occupational license number, and signature of the representative receiving the issued coupons.
- (14) A record of any coupons that are distributed to patrons.
- (15) A record and explanation of any deviations noted.

(d) The department responsible for distributing the coupons shall maintain a Daily Coupon Reconciliation Form. One (1) Daily Coupon Reconciliation Form shall be completed to account for all individuals responsible for distributing coupons to patrons. The Daily Coupon Reconciliation Form shall contain, at a minimum, the following information:

- (1) The date.
- (2) The type of coupon being issued.
- (3) The beginning and ending serial numbers of the coupons the individual has to distribute to patrons.
- (4) The quantity of coupons the individual has to distribute to patrons.
- (5) The total number of coupons the individual distributed to patrons.
- (6) The beginning and ending serial numbers of coupons not distributed to patrons.
- (7) The total number of coupons not distributed to patrons.
- (8) The serial numbers of any coupons that were voided and the reason the coupons were voided.
- (9) The name, title, occupational license number, and signature of the individual distributing the coupons to patrons and completing the form.
- (10) The name, title, occupational license number, and signature of the supervisor.
- (11) Any variations discovered and an explanation of those variations.

(e) At least twenty (20) days before the initiation of the complimentary chip and token program, the riverboat licensee shall submit internal control procedures concerning the complimentary chip and token program to the commission. The internal control procedures shall include, at a minimum, the following information:

- (1) The departments that will be responsible for administering the complimentary chip and token distribution program.
- (2) The security measures that will be taken with respect to the coupons, including, but not limited to, the following information:
 - (A) The manner in which the coupons will be ordered.
 - (B) The manner in which the coupons will be inventoried upon receipt by the riverboat licensee.
 - (C) The manner in which the coupons will be stored, and the individuals who will have access to the coupons.
 - (D) The manner in which discrepancies will be handled.
 - (E) The manner in which coupons will be voided.
- (3) The department or departments that will be responsible for administering the complimentary chip and token program.
- (4) The manner in which the coupons will be distributed.

- (5) The schedule for conducting routine inventories of active unissued coupons. The inventory shall be conducted monthly by at least two (2) individuals from separate departments. The results of the inventory shall be recorded in the Coupon Control Ledger.
- (6) The manner in which coupons will be removed from the inventory, recorded, and voided once the coupons become inactive.
- (7) The manner in which the department responsible for distributing the coupons can requisition coupons from the department responsible for storing the coupons.
- (8) The maximum number of days in advance of an event that coupons can be requisitioned by the department responsible for issuing the coupons. The requisition document shall contain, at a minimum, the following information:
 - (A) The date the requisition is prepared.
 - (B) The day and date for which the coupons are needed.
 - (C) The type or types of coupons that are requested.
 - (D) The number of coupons required.
 - (E) The name, title, and occupational license number of the individual completing the requisition.
 - (F) The name, title, occupational license number, and signature of the supervisor authorizing the requisition.
- (9) The following information shall be completed by the department responsible for storing the coupons prior to the coupons being given to the department responsible for distributing the coupons:
 - (A) The name, title, occupational license number, and signature of the representative filling the order.
 - (B) The beginning serial number of the coupons issued.
 - (C) The ending serial number of coupons issued.
 - (D) The total number of and type of coupons issued.
 - (E) The name, title, occupational license number, and signature of the supervisor.
 - (F) A record and explanation of any coupons that were voided due to discrepancies.The information in clauses (B) through (D) shall be entered in the Coupon Control Ledger.
- (10) The manner in which the coupons will be issued. Coupons shall be stamped with the date of issuance.
- (11) The location of the locked cabinet in which the coupons will be stored prior to the distribution of the coupons.
- (12) Coupons that are distributed shall be entered in the Coupon Control Ledger.
- (13) The manner in which coupons may be redeemed for chips, tokens, or both by patrons.
- (14) The manner in which coupons redeemed by patrons will be canceled.
- (15) The manner in which the coupons distributed, coupons not distributed, and coupons issued will be reconciled.
- (16) The manner in which coupons that have been issued, but not distributed to patrons in the appropriate time frame will be voided and reconciled.
- (17) The manner in which a dealer or cage employee shall receive and account for coupons redeemed by patrons.

(Indiana Gaming Commission; 68 IAC 1-12-4; filed Jul 18, 1996, 8:55 a.m.; 19 IR 3297; readopted filed Oct 15, 2001, 4:34 p.m.; 25 IR 898)

68 IAC 1-12-5 Coupon requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. (a) Coupons utilized in the complimentary chips and token program shall contain, at a minimum, the following information:

- (1) Any serial number assigned to the coupon.
- (2) A description of the value of the coupon.
- (3) The location or locations where the coupon may be redeemed.
- (4) The name of the riverboat licensee.
- (5) The date or dates for which the coupon is valid.
- (6) Any other information deemed necessary by the executive director to ensure compliance with the Act and this title.

If a multiple-part coupon is utilized, each part of the coupon must contain the information set forth in this subsection.

- (b) Coupons shall be designed and manufactured in such a way that the denomination and type of coupon can be determined

utilizing the surveillance system required under to 68 IAC 12-1. (*Indiana Gaming Commission; 68 IAC 1-12-5; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3299; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-12-6 Records

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 6. (a) The riverboat licensee shall maintain the records required by this rule for a minimum of one (1) year.

(b) The riverboat licensee shall allow the commission access to or copies of the records maintained under this rule upon request by the commission. (*Indiana Gaming Commission; 68 IAC 1-12-6; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3299; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-12-7 Violation of rule

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 7. Failure to comply with this rule may result in the initiation of a disciplinary action against a riverboat licensee or an occupational licensee under 68 IAC 13. (*Indiana Gaming Commission; 68 IAC 1-12-7; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3299; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

Rule 13. Reporting of Interest in a License

68 IAC 1-13-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-10-2.1

Sec. 1. (a) This rule applies to all riverboat licensees, riverboat license applicants, and supplier licensees.

(b) As used in this rule, "interest" has the meaning set forth in IC 4-33-10-2.1(h).

(c) All riverboat licensees, riverboat license applicants, and supplier licensees must file a quarterly report that sets forth those persons who hold an interest in a license or the certificate of suitability.

(d) The quarterly report must be filed, in the formats directed by the executive director or the executive director's designee, by the fifteenth day of the month following the close of the quarter based on the calendar quarter. The executive director may require a riverboat licensee, riverboat license applicant, or supplier licensee to file the report at any other time that the executive director determines it is necessary to ensure compliance with IC 4-33-10-2.1.

(e) The report must be filed with the following persons:

(1) Chief counsel for the commission.

(2) The election commission.

(*Indiana Gaming Commission; 68 IAC 1-13-1; filed Aug 20, 1997, 7:10 a.m.: 21 IR 21; errata filed Nov 17, 1997, 3:45 p.m.: 21 IR 1347; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-13-2 Consequences of violation of rule

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. If the commission or the executive director determines that a riverboat licensee, riverboat license applicant, or supplier licensee has violated or is in violation of this rule, the commission or the executive director may initiate an investigation, a disciplinary action, or both, under 68 IAC 13. (*Indiana Gaming Commission; 68 IAC 1-13-2; filed Aug 20, 1997, 7:10 a.m.: 21 IR 22; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

Rule 14. Gaming Enforcement; Reimbursable Expenses for Troopers and Other State Police Personnel

68 IAC 1-14-1 Applicability

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-3.5

Affected: IC 4-33; IC 10-11-2-21

Sec. 1. (a) This rule applies to all riverboat licensees and riverboat license applicants.

(b) The following definitions apply throughout this rule:

(1) "Gaming enforcement section" means the section of the Indiana state police department that consists of troopers and support staff who assist the commission with the enforcement of the Act and this title, the laws of Indiana and who carry out investigations necessary to ensure compliance with the Act and this title.

(2) "Trooper" has the meaning set forth in IC 10-1-1-10 [*IC 10-1 was repealed by P.L.2-2003, SECTION 102, effective July 1, 2003. See IC 10-11-2-21.*], regardless of rank.

(Indiana Gaming Commission; 68 IAC 1-14-1; filed May 29, 1998, 5:05 p.m.: 21 IR 3701; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 1-14-2 Reimbursable expenses

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-3.5

Affected: IC 4-33

Sec. 2. Riverboat licensees and riverboat license applicants shall reimburse the commission, as set forth in section 3 of this rule, for the following items:

(1) The actual salaries of the troopers assigned to the riverboat.

(2) A pro rata amount of the actual salaries of the troopers who provide supervision of the troopers assigned to the riverboat.

(3) A pro rata amount of the actual salaries of the civilian support staff assigned to provide support for the troopers assigned to the riverboat and to the supervisory personnel.

(4) The cost or pro rata cost of the fringe benefits received by those individuals listed in subdivisions (1) through (3).

(5) The cost or pro rata cost of the incentive payments received by those individuals listed in subdivisions (1) through (3).

(6) The actual overtime costs incurred by those individuals listed in subdivisions (1) through (3) in the performance of duties associated with the gaming enforcement section or the equivalent.

(7) The actual cost of all vehicles and equipment normally provided to all troopers that are provided to the troopers assigned to the riverboat and the supervisory personnel.

(8) The actual cost of all equipment necessary for the troopers assigned to the riverboat and the supervisory personnel to have the same communication capabilities with the district as a trooper assigned to road duties would have.

(9) The cost of maintaining and replacing all vehicles and equipment utilized by the troopers, supervisory personnel, and support staff.

(10) The cost of providing the troopers assigned to the riverboat and the supervisory personnel with the training deemed necessary by the commission to ensure the required expertise and understanding of the assignment to the riverboat.

(11) The cost incurred by the Indiana state police to replace the troopers assigned to the riverboat and supervisory personnel.

(12) The actual cost incurred by the Indiana state police to train the replacement troopers.

(13) The actual cost of all vehicles and equipment normally provided to a trooper that are purchased by the Indiana state police for the replacement troopers.

(14) All other costs deemed necessary by the commission to ensure compliance with the Act and this title.

(Indiana Gaming Commission; 68 IAC 1-14-2; filed May 29, 1998, 5:05 p.m.: 21 IR 3701; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 1-14-3 Interdepartmental bill

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-3.5

Affected: IC 4-33

Sec. 3. (a) The Indiana state police shall, through interdepartmental bill, assess the costs listed in section 2 of this rule to the commission. The commission will reimburse the Indiana state police for the amount assessed.

(b) The commission will prepare an invoice that will be sent to the riverboat licensee or riverboat license applicant. The riverboat licensee or riverboat license applicant will pay the commission in the manner directed in the invoice. (*Indiana Gaming Commission; 68 IAC 1-14-3; filed May 29, 1998, 5:05 p.m.: 21 IR 3702; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-14-4 Disciplinary action

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-3.5

Affected: IC 4-33

Sec. 4. If the commission determines that a riverboat licensee or riverboat license applicant has violated this rule, the commission may initiate a disciplinary action under 68 IAC 13. (*Indiana Gaming Commission; 68 IAC 1-14-4; filed May 29, 1998, 5:05 p.m.: 21 IR 3702; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

Rule 15. Destruction of Records

68 IAC 1-15-1 Destruction of records

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees and riverboat license applicants.

(b) Riverboat licensees and riverboat license applicants may not destroy records of any type that relate to the riverboat gambling operation unless they have complied with this rule.

(c) At least twenty (20) working days before a riverboat licensee or riverboat license applicant intends to destroy any records that relate to the riverboat gambling operation, the riverboat licensee or riverboat license applicant must notify, in writing, the regional audit administrator for the commission of the following information:

- (1) The records the riverboat licensee or riverboat license applicant intends to destroy.
- (2) The date, time, and manner of destruction.
- (3) The date that the records were generated.
- (4) The applicable length of time that the record was to be maintained in accordance with this title.
- (5) The reason for the destruction.

(d) The riverboat licensee or riverboat license applicant shall not destroy any records that relate to the riverboat gambling operation until the regional audit administrator for the commission has approved, in writing, the destruction of the records.

(e) Violation of this rule may result in the initiation of a disciplinary action under 68 IAC 13-1. (*Indiana Gaming Commission; 68 IAC 1-15-1; filed Feb 18, 1998, 9:45 a.m.: 21 IR 2311; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

Rule 16. Rights and Duties of Riverboat Licensees and Riverboat License Applicants

68 IAC 1-16-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33; IC 12-21-1-1

Sec. 1. (a) This rule applies to all riverboat licensees and riverboat license applicants.

(b) The following definitions apply throughout this rule:

(1) "Commission agent" means one (1) of the members of the Indiana state police department who is assigned to the commission's gaming enforcement section and who is on duty.

(2) "Division of mental health" means the division established by IC 12-21-1-1.

(c) The riverboat licensee or riverboat license applicant is responsible for ensuring that all aspects of the riverboat gambling operation are conducted in accordance with the Act, this title, and all other state, federal, and local laws. The riverboat licensee or riverboat license applicant is responsible for the acts of its employees and agents in the course of their employment. (*Indiana Gaming Commission; 68 IAC 1-16-1; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2310; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-16-2 Toll free telephone number

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21.2
Affected: IC 4-33

Sec. 2. (a) Riverboat licensees shall conspicuously display a toll free telephone number that provides the public with information about compulsive gambling addictions in the following locations:

- (1) On each admission ticket or boarding pass, or both, issued for a riverboat gambling excursion.
- (2) On a poster or placard that is on display in a public area of the riverboat.
- (b) The toll free telephone number to be displayed shall be specified by the division of mental health.

(c) The riverboat licensee shall coordinate the display of the toll free telephone number with the commission and the governor's commission for a drug free Indiana. (*Indiana Gaming Commission; 68 IAC 1-16-2; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2310; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-16-3 Access to premises; production of records

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 3. (a) All riverboat licensees and riverboat license applicants must allow the commission, commission agents, and any person authorized by the Act immediate access to the premises of the riverboat licensee or riverboat license applicant that are connected to the riverboat gambling operation, including, but not limited to, the following:

- (1) The riverboat.
- (2) The pavilion.
- (3) The support facility.
- (4) All offices.

(b) All riverboat licensees and riverboat license applicants must produce the original or a copy, or both, of any records requested by the commission, commission agents, or persons authorized by the commission. (*Indiana Gaming Commission; 68 IAC 1-16-3; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2310; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-16-4 Authorized games

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 4. Riverboat licensees may only permit the operation of electronic gaming devices and live gaming devices that are approved by the commission under the Act and this title. (*Indiana Gaming Commission; 68 IAC 1-16-4; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2310; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-16-5 Termination of license

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 5. (a) If a riverboat owner's license is terminated for any reason, the riverboat licensee shall immediately cease the conduct of gaming activity and secure all assets of the riverboat gambling operation. The riverboat licensee shall not dispose of any assets of the riverboat gambling operation until written approval has been obtain [*sic., obtained*] from the commission.

(b) The riverboat licensee or riverboat license applicant remains under the jurisdiction of the commission until all matters associated with the riverboat owner's license or certificate of suitability are resolved. (*Indiana Gaming Commission; 68 IAC 1-16-5; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2310; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-16-6 Violation of rule

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 6. Failure to comply with this rule may result in the initiation of a disciplinary action under 68 IAC 13-1. (*Indiana Gaming Commission; 68 IAC 1-16-6; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2311; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

ARTICLE 2. LICENSES AND APPROVAL OF ASSOCIATED EQUIPMENT

Rule 1. Riverboat Owner's License

68 IAC 2-1-1 Riverboat owner's license required

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-6-1

Sec. 1. (a) The following definitions apply throughout this rule:

(1) "Applicant" means an applicant for a riverboat owner's license.

(2) "Certificate of suitability" means a written document issued by the executive director that indicates an applicant has been chosen for licensure if the applicant meets the requirements set forth in section 5(e) of this rule. A certificate of suitability is valid for a period of one hundred eighty (180) days unless extended by the commission.

(3) "Interim compliance period" means the period of time between the issuance of a certificate of suitability and the issuance of a permanent riverboat owner's license or the issuance of a notice of denial.

(4) "Regular riverboat excursion" means any excursion which takes place after receipt of the riverboat owner's license, except for any practice excursion.

(b) No one may operate a riverboat gambling operation without holding a riverboat owner's license.

(c) No person may simultaneously own an interest in more than two (2) riverboat owner's licenses. A person may simultaneously own up to one hundred percent (100%) in one (1) riverboat owner's license and no more than ten percent (10%) in a second owner's license. (*Indiana Gaming Commission; 68 IAC 2-1-1; filed Nov 10, 1994, 11:00 a.m.: 18 IR 482; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-1-2 Application fees

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-6

Sec. 2. (a) All fees shall be submitted to the commission in the form of a certified check or cashier's check made payable to the state of Indiana.

(b) An applicant for an owner's license must pay a nonrefundable application fee in the amount of fifty thousand dollars (\$50,000) with Part I of the riverboat owner's license application.

(c) The application fee shall be utilized to conduct the background investigation of an applicant. An investigation fee may be assessed to the extent that the cost of the background investigation relating to the applicant exceeds the application fee set forth in this rule. The applicant shall be advised by the executive director in writing that an investigation fee is required. The letter shall direct the applicant to remit an amount which the executive director has determined is necessary to complete the investigation. Once an applicant is directed to submit an investigation fee in excess of the fifty thousand dollar (\$50,000) fee set forth in this rule, the investigative team conducting the investigation on that applicant shall not finalize the report on the applicant's suitability for licensure nor submit that report to the commission for consideration until the investigation fee is paid by the applicant.

(d) In the event an assessed investigation fee exceeds the final cost of the investigation, the excess investigation fee shall be refunded to the applicant. In no event shall any portion of a remitted application fee be refunded.

(e) If an applicant is allowed to withdraw its application or its application is denied before the background investigation is completed, the balance of the nonrefundable application fee shall be applied to the overall cost of the investigative process. (*Indiana Gaming Commission; 68 IAC 2-1-2; filed Nov 10, 1994, 11:00 a.m.: 18 IR 482; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-1-3 Riverboat owner's license fees

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-6

Sec. 3. (a) All fees shall be submitted to the commission in the form of a certified check or cashier's check made payable to the state of Indiana.

(b) The riverboat licensee shall remit the initial license fee of twenty-five thousand dollars (\$25,000) after complying with the conditions set forth in section 5(e) of this rule. The owner's license will not be issued until the twenty-five thousand dollar (\$25,000) license fee has been received by the commission. The initial owner's license is valid for a period of five (5) years. After the expiration of the initial owner's license, the license may be renewed annually upon compliance with section 9 of this rule.

(c) If the commission revokes the initial owner's license during the first four (4) years after issuance of the license, a pro rata share of the initial license fee may be credited toward any penalty assessed against the riverboat licensee for a violation of the Act or this title which resulted in the revocation of the riverboat owner's license. (*Indiana Gaming Commission; 68 IAC 2-1-3; filed Nov 10, 1994, 11:00 a.m.: 18 IR 482; errata filed Nov 14, 1994, 3:45 p.m.: 18 IR 531; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-1-4 Applications

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-5-1; IC 4-33-6

Sec. 4. (a) An applicant for a riverboat owner's license must complete and submit the appropriate forms prescribed by the commission.

(b) Application procedures shall be as follows:

(1) An applicant is seeking a privilege and assumes and accepts any and all risk of adverse publicity, notoriety, embarrassment, criticism, or other action or financial loss that may occur in connection with the application process or the public disclosure of information requested. The applicant expressly waives any claim for damages that may result from the application process.

(2) Any misrepresentation or omission made with respect to an application may be grounds for denial of the application.

(3) An applicant must submit nine (9) bound and three (3) unbound copies of Parts I and II of the riverboat owner license application.

(4) An applicant must submit three (3) bound and two (2) unbound copies of the Personal Disclosure Form 1 under 68 IAC 2-3-4(d) that have been completed by the substantial owners, key persons, or other persons as deemed necessary by the commission to allow the commission to ensure the applicant meets the statutory criteria for licensure set forth in the Act and this title.

(5) An application shall be deemed filed when the completed application forms, including all required documents, materials, photographs, and the application fee, have been submitted and the commission has stamped the application as received. A background investigation will not be initiated by the commission until a complete application is received by the commission.

(6) The completed applications must be filed in the commission's office in Indianapolis, Indiana.

(7) The applications must be filed prior to the expiration of appropriate deadlines established and published by the commission.

(8) An applicant is under a continuing duty to disclose any changes in the information submitted to the commission.

(9) An applicant may make only clerical corrections to the application after the deadline date for filing Part II of the riverboat owner license application has passed. After that date, the applicant must submit a request to the commission to make a substantive amendment along with the exact substantive amendment. The commission shall then determine whether the proposed substantive amendment will be allowed.

(c) Requirements for dock site and navigable waterway shall be as follows:

(1) An applicant must specify the dock at which the riverboat will be based and the navigable waterway upon which the riverboat will operate.

(2) An applicant who specified a dock site in a county or city in which the referendum passed shall not amend the application to specify a dock site in a different city or county.

(3) An applicant who specified a dock site in a county or city in which the referendum was defeated may amend its application

on one (1) occasion to specify a dock site in a county or city where the referendum was successful or in which a referendum has not been held. An applicant must submit a nonrefundable fee of ten thousand dollars (\$10,000) to amend its dock site. The amendment must be submitted before the deadline for filing Part I of the application for the city or county the applicant seeks to specify as a home dock site has expired.

(d) An applicant that changes from one (1) form of legal entity to another form of legal entity is a new applicant. To effectuate a change in the form of legal entity, the applicant must submit a new Part I of the application prior to the expiration of the appropriate deadline, and an additional nonrefundable fifty thousand dollar (\$50,000) application fee pursuant to section 2 of this rule.

(e) Parts I and II of the riverboat owner's license application shall require that the applicant submit the following information and documents on forms prescribed by the commission:

- (1) The information specified in IC 4-33-5-1.
- (2) Federal identification number, Indiana taxpayer identification number, or Social Security number.
- (3) Name, address, and telephone number of the applicant's contact person.
- (4) Background and skills of the applicant's key persons.
- (5) Civil litigation history of the applicant, the applicant's key persons, and the substantial owners.
- (6) Detailed organizational and operation plans for the riverboat gambling operation.
- (7) Estimated start-up costs, including the cost of riverboat construction and retrofitting.
- (8) A description of the support facilities.
- (9) A description of the accessibility of patrons to the docking site and the volume of traffic those means can sustain.
- (10) A description of the applicant's plan for providing foods, beverages, and other concessions, and a list of additional licenses which the applicant will be required to obtain.
- (11) A list of identified suppliers of gaming equipment as well as maintenance and repair services for that equipment.
- (12) A statement detailing plans for extending credit and debt collection.
- (13) A statement concerning the capitalization of the proposed riverboat gambling operation, including the amount and source of debt and equity involved.
- (14) Any agreements, covenants, or options to purchase any land adjacent to or within three (3) miles of the actual or the proposed docking site.
- (15) A description of the applicant's or the applicant's substantial owner's existing or pending applications for grants, tax relief, or low interest loans given or guaranteed by any governmental entity.
- (16) Any oral or written agreements entered on behalf of the applicant and any governmental entity or subdivision thereof in Indiana as they pertain to the operation of the riverboat gambling operation.
- (17) A description of the types of insurance the applicant has or will obtain, including, but not limited to, the following:
 - (A) Liability.
 - (B) Casualty.
 - (C) Capital loss.
 - (D) Fire.
 - (E) Theft.
 - (F) Worker's compensation insurance.
- (18) A description of nongaming riverboats or river vessels which the applicant operates.
- (19) A description of the applicant's employment plan relating to the riverboat gambling operation, including the training of employees.
- (20) A list of the names, business addresses, and business telephone numbers of each individual who will be required to submit a Personal Disclosure Form 1.
- (21) A list of the names and titles of the individuals who prepared Parts I and II of the riverboat owner's license application.
- (22) Confidential trade secrets, including, but not limited to, the applicant's security and surveillance plans.
- (23) Confidential financial information.
- (24) Confidential taxpayer information.
- (25) Appropriate waivers and affidavits.
- (26) Any other information requested by the commission that is relevant to the statutory criteria necessary for issuing licenses set forth in the Act and this title.

(f) An application for riverboat owner's licenses may not be withdrawn without leave of the commission.

(g) An applicant's key persons and substantial owners must submit a Personal Disclosure Form 1. The Personal Disclosure Form 1 shall require that the key persons and substantial owners submit the information and documents set forth in this title. The applicant's substantial owners must submit the Personal Disclosure Form 1 at the time Part II of the riverboat owner's license application is filed. The applicant's key persons and such other persons the commission directs under subsection (b)(4) must file the Personal Disclosure Form 1 at the time directed by the commission. (*Indiana Gaming Commission; 68 IAC 2-1-4; filed Nov 10, 1994, 11:00 a.m.: 18 IR 483; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1019; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-1-5 Licensing procedures

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-4-1; IC 4-33-5-1; IC 4-33-6-1; IC 5-3

Sec. 5. (a) Except to the extent the commission may require different or additional procedures, an applicant for a riverboat owner's license shall be subject to the following procedures prior to licensing:

- (1) Application.
 - (2) Background investigation, including economic development analysis of the applicant by the commission.
 - (3) Public hearing.
 - (4) Action by the commission.
 - (5) Issuance of certificate of suitability.
 - (6) Interim compliance period.
 - (7) Issuance of riverboat owner's license.
- (b) Requirements for a public hearing and action by the commission shall be as follows:
- (1) After the appropriate background investigations by the commission have been completed, the commission shall conduct a public hearing.
 - (2) The commission shall publish the date, time, and place of the public hearing in the following manner:
 - (A) Notice of the public hearing shall be posted at the commission office in Indianapolis, Indiana at least two (2) weeks prior to the public hearing.
 - (B) Notice of the public hearing shall be published in appropriate newspapers under IC 5-3 at least two (2) times, at least one (1) week apart, and with the second publication being made at least two (2) days before the event.
 - (3) The public hearing shall be conducted in the following manner:
 - (A) The chair shall establish the order of the presentations and announce the amount of time that each applicant will be allotted. The order of presentation and other information may be published with the notice setting the date, time, and place of the public hearing.
 - (B) The appropriate applicant shall present its proposal for a riverboat gambling operation to be docked in the appropriate county or city within the time period established.
 - (C) The commission may question the applicant on any aspect of its application and presentation that the commission determines to be relevant to the issue of licensure.
 - (D) An applicant may be recalled by the commission at any time during the public hearing.
 - (E) After all of the applicants have made presentations, the commission shall allow a reasonable time to hear comments about any of the applicants and proposals from governmental entities, agencies, and the public at large. The chair shall announce the manner in which these comments may be presented prior to the initiation of this section of the public hearing.
 - (F) The commission may, at its discretion, discuss the applications, presentations, reports, and other materials, deliberate, and issue its decision immediately after the conclusion of the presentations and public comments or it may recess and reconvene to deliberate and issue its decision after the hearing has been transcribed and the transcriptions received by the commission.
 - (G) The decision of the commission shall be reduced to writing and signed by the commission members. The commission shall direct the executive director to notify the appropriate applicants, in writing, of the decision reached by the commission.
 - (H) No application shall be denied until the final license for that county or city has been issued under IC 4-33-6-1. Once

the final license for a county or city has been issued, the commission shall direct the executive director to issue notices of denial to the applicant or applicants not chosen for licensure.

(4) The public hearing shall be recorded, at the direction of the commission, stenographically or by such other means as to adequately ensure the preservation of the commission's public hearing. A transcript completed by a reporter or stenographer hired by the commission is the official record of the commission's public hearing.

(c) The applicant must present evidence that it meets or possesses the following standards, qualifications, or criteria to be issued a riverboat owner's license:

(1) The applicant must possess the qualifications set forth in the Act.

(2) The applicant or the applicant's substantial owner must possess a level of skill, experience, or knowledge necessary to conduct a riverboat gambling operation.

(3) The positive economic impact that the applicant's plan will have on the entire state of Indiana.

(4) The positive impact of any endorsements made by the local government entities.

(5) The criminal history of the applicant and the applicant's substantial owners.

(6) The applicant and the applicant's substantial owners must be of good moral character and reputation.

(7) Whether the applicant or the applicant's substantial owners has had a gaming or other license revoked, suspended, restricted, or terminated or if renewal of a license was denied.

(8) The applicant and the applicant's substantial owners must be in substantial compliance with state and federal tax laws.

(9) Any other standard the commission determines is necessary to ensure the applicant meets the criteria for licensure set forth in the Act and this title.

(d) The certificate of suitability shall be issued as follows:

(1) The commission shall direct the executive director to issue a certificate of suitability after a decision has been issued in accordance with subsection (b).

(2) The certificate of suitability is valid for a period of one hundred eighty (180) days unless extended by the commission.

(3) A prospective licensee must direct a request for an extension of the certificate of suitability in a letter directed to the executive director.

(e) During the interim compliance period, the prospective riverboat licensee shall do the following:

(1) Obtain a permit to develop the riverboat gambling operation from the United States Army Corps of Engineers.

(2) Obtain a valid certificate of inspection from the United States Coast Guard for the vessel on which the riverboat gambling operation will be conducted temporarily or permanently.

(3) Apply for and receive the appropriate permit or certificate from the Indiana alcoholic beverage commission and other appropriate state and federal agencies.

(4) Receive all permits, certificates, and approvals for the riverboat and support facilities necessary to develop and conduct the riverboat gambling operation, including, but not limited to, fire marshal permits, health permits, building permits, and zoning permits. Permits for long term developments that are part of the riverboat support facilities do not have to be obtained.

(5) Close the financing necessary to complete the development of the riverboat gambling operation.

(6) Post a bond in accordance with section 7 of this rule.

(7) Obtain the insurance deemed necessary by the commission under section 8 of this rule.

(8) Receive licensure for electronic gaming devices and other gaming equipment under 68 IAC 2-6.

(9) Submit an emergency response plan under 68 IAC 8-2.

(10) Take any other action the commission deems necessary to ensure the prospective riverboat licensee will be able to conduct a riverboat gambling operation that complies with the Act and this title.

(f) Requirements for the issuance of a permanent riverboat owner's license shall be as follows:

(1) The riverboat licensee shall advise the commission in writing once it has complied with subsection (e).

(2) When the commission is satisfied that the riverboat licensee has in fact complied with subsection (e), it shall direct the executive director to issue a permanent riverboat owner's license.

(3) The permanent riverboat owner's license shall meet the specifications set forth in section 6 of this rule.

(4) The commission may place restrictions, conditions, or requirements on the permanent riverboat owner's license. These restrictions, conditions, or requirements may include, but are not limited to, the following:

(A) That the riverboat licensee comply with aspects of its proposal within specific time frames.

(B) That the riverboat licensee begin operation at a permanent dock within a specified period, not to exceed one (1)

year.

(C) That the riverboat licensee post a new or additional bond in accordance with section 7 of this rule, if necessary.

(D) That the riverboat gambling operation undergo and successfully complete the appropriate number and type of practice gaming excursions during a forty-eight (48) hour period to ensure that the riverboat gambling operation is conducted within the parameters of the Act and this title. The executive director may determine that the riverboat gambling operation undergo additional practice gaming excursions.

(5) The riverboat licensee shall post a bond in accordance with section 7 of this rule.

(Indiana Gaming Commission; 68 IAC 2-1-5; filed Nov 10, 1994, 11:00 a.m.: 18 IR 484; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 2-1-6 Riverboat owner's license requirements; display of license

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-6

Sec. 6. (a) The certificate of suitability and permanent riverboat owner's license shall be on forms prescribed by the commission which meet the following requirements:

(1) Display the applicant's name and business address.

(2) Display the dock at which the riverboat is based and the navigable waterway on which the riverboat will operate.

(3) Display the riverboat owner's license number or certificate of suitability number assigned by the commission.

(4) Display the signature of the chair and executive director of the commission.

(5) Display the date the certificate of suitability or the riverboat owner's license was issued and the date that the certificate or license will expire.

(6) Any other information the commission deems necessary to identify the riverboat licensee, the dock site, and any conditions or restrictions that are placed on the riverboat owner's license.

(b) A riverboat licensee shall post its owner's license at all times in a conspicuous place on the riverboat.

(c) The certificate of suitability and the riverboat owner's license shall remain the property of the commission at all times. The certificate of suitability or the riverboat owner's license may be revoked, suspended, canceled, or restricted by the commission under 68 IAC 13.

(d) A fee of ten dollars (\$10) shall be paid to the commission for any necessary replacement of the certificate of suitability or the riverboat owner's license. The fee shall be assessed each time a riverboat licensee obtains a replacement certificate of suitability or riverboat owner's license. *(Indiana Gaming Commission; 68 IAC 2-1-6; filed Nov 10, 1994, 11:00 a.m.: 18 IR 486; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 2-1-7 Bond

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-6-9

Sec. 7. (a) A riverboat licensee must post a bond with the commission no less than sixty (60) days before the riverboat licensee begins regular riverboat excursions.

(b) The bond must be in a form set forth in IC 4-33-6-9(b).

(c) The bond shall meet the following requirements:

(1) A surety bond must meet both of the following requirements:

(A) Be with a surety company that is approved by the commission.

(B) Be guaranteed by a guarantor that is approved by the commission.

(2) An irrevocable letter of credit must be issued, held, and negotiated under the "Uniform Custom and Practice for Documentary Credits", 1993 Revision, International Chamber of Commerce Publication No. 500.

(3) If the riverboat licensee plans to post a surety bond, negotiable securities, or irrevocable letter of credit, the licensee must submit the bond proposal at least thirty (30) days prior to the time the bond will be posted to allow the commission sufficient time to investigate the surety company, guarantor, or banking institution.

(4) The bond shall be approved by the commission.

- (5) The bond must be in an amount that the commission determines adequately reflects the amount that a local community will expend for infrastructure and any other facilities associated with riverboat gambling. The commission may request input from the appropriate local community regarding the amount the local community will expend.
- (6) The bond must be payable to the commission as obligee for use in payment of the riverboat licensee's financial obligations to the local community, the state, and any other parties that the commission determines, after a review of the applicant's proposal, will be aggrieved by a failure of the riverboat licensee to comply with its obligations under the Act and this title.
- (7) The bond shall state that it may be exercised by the commission if the riverboat licensee fails to comply with its obligation under IC 4-33 or this title.
- (8) The bond shall state that it shall run continuously and remain in full force and effect during the period for which the riverboat owner's license was awarded under IC 4-33-6-9.
- (d) A new bond may be required or allowed under the following conditions:
- (1) The commission determines that a new bond is required after a hearing that meets the following requirements:
- (A) The riverboat licensee receives a five (5) day written notice of the date, time, place, and nature of the hearing from the commission through the executive director.
 - (B) The hearing is conducted before a quorum of the commission members.
 - (C) The commission determines that the bond posted is insufficient and directs the executive director of the commission to issue a written demand to the riverboat licensee to post a bond in an amount the commission determined to be sufficient after the conclusion of the hearing.
- (2) The commission may direct the executive director to demand, in writing, that a riverboat licensee post a new bond with satisfactory surety, cash, negotiable securities, or banking institution in the same form and amount under the following conditions:
- (A) Liability on the old bond is discharged or reduced by judgment rendered, payment made, or any other situation.
 - (B) The commission determines that any surety on the old bond is not satisfactory.
 - (C) The commission determines that the negotiable securities are not satisfactory.
 - (D) The commission determines that the banking institution is not satisfactory.
- (3) The commission allows the riverboat licensee, at the request of the riverboat licensee, to post a new bond that complies with this section.
- (4) If the commission determines that a new bond is not satisfactory, it shall cancel the riverboat owner's license.
- (5) If the commission determines that a new bond is satisfactory, the commission shall release, in writing, the surety on the old bond from any liability that accrues after the effective date of the new bond.
- (e) A bond is released if the riverboat licensee remains at the dock site for which the riverboat owner's license was granted for the lesser of five (5) years or the date on which the commission grants a riverboat owner's license to another riverboat licensee to operate from the same dock site for which the bond was posted.
- (f) If a riverboat licensee does not meet the requirements of subsection (e), the licensee forfeits the bond. The proceeds of the bond in default under this rule are paid to the commission. The commission shall use the proceeds of the forfeited bond for the benefit of the local community from which the riverboat operated.
- (g) The total and aggregate liability of the surety or banking institution on a bond is limited to the amount specified in the bond or irrevocable letter of credit. The continuous nature of the bond shall not be construed as allowing the liability of any surety or banking institution under the bond to accumulate for each successful approval period during which the bond remains in force.
- (h) A bond filed under this rule is released sixty (60) days after the time has run under subsection (e) and the riverboat licensee submits a written request for release of the bond. (*Indiana Gaming Commission; 68 IAC 2-1-7; filed Nov 10, 1994, 11:00 a.m.: 18 IR 486; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3034; errata filed Oct 23, 1996, 12:00 p.m.: 20 IR 760; filed Jul 10, 2000, 4:48 p.m.: 23 IR 3068; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-1-8 Insurance

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-4-11

Sec. 8. (a) A riverboat licensee must obtain and maintain insurance in a minimum amount determined by the commission. The riverboat licensee shall obtain and maintain the following types of insurance:

- (1) Liability.
- (2) Casualty.
- (3) Capital loss.
- (4) Fire.
- (5) Theft.
- (6) Worker's compensation insurance.
- (7) Any other type of insurance the commission deems necessary to ensure the riverboat licensee is adequately insured to conduct a riverboat gambling operation.

(b) After the commission issues a certificate of suitability to an applicant, the commission shall direct the executive director to advise the applicant, in writing, of the amount of insurance which the applicant must obtain and maintain.

(c) If the riverboat licensee fails to maintain the minimum amount of insurance specified in this section, the commission may initiate a disciplinary action against the riverboat licensee. (*Indiana Gaming Commission; 68 IAC 2-1-8; filed Nov 10, 1994, 11:00 a.m.: 18 IR 487; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-1-9 Renewal of license

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-6

Sec. 9. (a) After the expiration of the initial riverboat owner's license, the license must be renewed annually.

(b) The riverboat owner's license will be renewed after the annual five thousand dollar (\$5,000) license fee is paid under section 3 of this rule. The riverboat licensee shall submit the five thousand dollar (\$5,000) renewal fee and a statement indicating an intent to continue the riverboat gambling operation at least thirty (30) days before the expiration of the license.

(c) The commission may refuse to renew a riverboat owner's license if the riverboat licensee no longer meets the requirements set forth in this rule and IC 4-33. (*Indiana Gaming Commission; 68 IAC 2-1-9; filed Nov 10, 1994, 11:00 a.m.: 18 IR 488; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-1-10 Duty to maintain suitability; duty to disclose; transfer of ownership interest

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-6

Sec. 10. (a) All riverboat licensees have a continuing duty to maintain suitability for licensure. A riverboat owner's license does not create a property right, but is a revocable privilege granted by the state contingent upon continuing suitability for licensure.

(b) Riverboat licensees shall notify the commission of any material change in the information submitted in the application, or any matter which renders the licensee ineligible to hold a riverboat owner's license.

(c) An ownership interest in the riverboat owner's license shall not be transferred unless the transfer complies with 68 IAC 5. (*Indiana Gaming Commission; 68 IAC 2-1-10; filed Nov 10, 1994, 11:00 a.m.: 18 IR 488; errata filed Nov 1, 1995, 8:30 a.m.: 19 IR 353; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-1-11 Restriction, revocation, or suspension of riverboat owner's license

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-6-1; IC 4-33-6-17

Sec. 11. (a) The commission may revoke, restrict, or suspend a riverboat owner's license at any time that the commission determines the riverboat licensee is in violation of this title or IC 4-33, or the commission determines revocation of the riverboat owner's license is in the best interest of Indiana and will protect and enhance the credibility and integrity of riverboat gambling operations.

(b) If the commission determines that a riverboat licensee is in violation of this title or IC 4-33, the commission may initiate a disciplinary proceeding under 68 IAC 13 to revoke, restrict, or suspend the riverboat owner's license or take such other action as the commission deems necessary. (*Indiana Gaming Commission; 68 IAC 2-1-11; filed Nov 10, 1994, 11:00 a.m.: 18 IR 488; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-1-12 Request for hearing on notice of denial or nonrenewal of riverboat owner's license

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-3-23; IC 4-33-6

Sec. 12. (a) Unless specifically stated to the contrary, a notice of denial of a riverboat owner's license application shall not constitute a finding that the applicant is not suitable for licensure.

(b) An applicant who is served with a notice of denial or a riverboat licensee who is served with a notice of nonrenewal under this rule may request a hearing under 68 IAC 7.

(c) If the applicant or riverboat licensee does not request a hearing, the notice of denial or nonrenewal becomes the final order of the commission. (*Indiana Gaming Commission; 68 IAC 2-1-12; filed Nov 10, 1994, 11:00 a.m.: 18 IR 488; errata filed Nov 1, 1995, 8:30 a.m.: 19 IR 353; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-1-13 Waiver, alteration, or restriction of requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-6

Sec. 13. The commission may waive, alter, or restrict any licensing requirement or procedure if the commission determines that the procedure or requirement is impractical, or burdensome, and such waiver, alteration, or restriction is in the best interest of the public and the gaming industry, and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure. (*Indiana Gaming Commission; 68 IAC 2-1-13; filed Nov 10, 1994, 11:00 a.m.: 18 IR 488; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

Rule 2. Supplier's License

68 IAC 2-2-1 Supplier's license required

Authority: IC 4-33-4-1; IC 4-33-4-2

Affected: IC 4-33-7

Sec. 1. (a) The following definitions apply throughout this rule:

(1) "Applicant" means an applicant for a supplier's license.

(2) "Riverboat license applicant" means an applicant for a riverboat owner's license that has been issued a certificate of suitability under 68 IAC 2-1-5.

(b) An application for a supplier's license shall not be processed by the commission unless the applicant has an agreement or a statement of intent with a riverboat licensee or a riverboat license applicant that the applicant will be supplying the riverboat licensee upon receiving the supplier's license. Nothing in this rule prevents a potential applicant from negotiating, prior to application for licensure, with a riverboat licensee or a riverboat license applicant to supply goods and services to a riverboat licensee once a supplier's license has been obtained.

(c) The following persons or business entities are required to hold a supplier's license:

(1) The gaming operations manager if the manager is a business entity. If the gaming operations manager is an individual, the applicant shall hold an occupational license, Level 1 under 68 IAC 2-3-1. All employees of a gaming operations manager who have any duty, authority, or function relating directly or indirectly to the gaming operation will be required to hold an occupational license in accordance with 68 IAC 2-3-1.

(2) All manufacturers of electronic gaming devices, chips, tokens, cards, dice, roulette wheels, keno balls, keno ball or number selection devices, shuffling devices, and any other equipment that the commission determines directly affects gaming shall be licensed as a supplier. All suppliers of electronic gaming devices, chips, tokens, cards, dice, roulette wheels, keno balls, keno ball or number selection devices, shuffling devices, and any other equipment that the commission determines directly affects gaming shall be manufacturers of said devices.

(3) A supplier of gaming equipment maintenance or repair.

(4) A supplier of security services, security systems, and surveillance systems.

(5) A lessor of a riverboat or dock facilities, or both, unless the lessor of the riverboat or dock facilities, or both, is a county,

municipality, or political subdivision.

(6) A supplier of goods or services where payment is calculated on a percentage of a riverboat gambling operation's revenues.

(7) A junketeer.

(8) Any other purveyor of goods or services to a riverboat gambling operation the commission deems necessary to ensure compliance with the Act and this title.

(d) The applicant's key persons, substantial owners, and any other persons deemed necessary to allow the commission to ensure the applicant meets the statutory criteria for licensure set forth in the Act and this title must complete and submit a Personal Disclosure Form 1 under 68 IAC 2-3-1.

(e) A supplier licensee shall continue to maintain suitability for licensure. The supplier licensee is subject to action by the commission, including, but not limited to, suspension, revocation, restriction, and nonrenewal under the Act and this title.

(f) A supplier licensee shall not distribute gaming supplies and equipment that do not conform to the standards for gaming supplies and equipment set forth in the Act and this title.

(g) Riverboat licensees shall not purchase goods or services covered by this rule from a person who does not hold a supplier's license issued by the commission.

(h) A manufacturer of electronic gaming devices, chips, tokens, cards, dice, roulette wheels, keno balls, keno ball or number selection devices, shuffling devices, or any other equipment that the commission determines directly affects gaming shall not be paid by a riverboat licensee based on a percentage of the revenue received from the use of the gaming equipment or based upon the amount of play or use that the gaming equipment receives. (*Indiana Gaming Commission; 68 IAC 2-2-1; filed Nov 10, 1994, 11:00 a.m.: 18 IR 488; errata filed Nov 1, 1995, 8:30 a.m.: 19 IR 353; filed Oct 22, 1997, 8:45 a.m.: 21 IR 922; errata filed Feb 6, 1998, 10:30 a.m.: 21 IR 2128; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1060*)

68 IAC 2-2-2 Application fees

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-7-1

Sec. 2. (a) All fees shall be submitted to the commission in the form of a certified check or cashier's check made payable to the state of Indiana.

(b) An applicant for a supplier's license must pay a nonrefundable application fee in the amount of five thousand dollars (\$5,000). The application fee must be submitted with the supplier's license application.

(c) The application fee shall be utilized to conduct the background investigation of an applicant. The application fee of an applicant may be increased to the extent that the cost of the background investigation relating to the applicant exceeds the application fee set forth in this rule. The applicant shall be advised by the executive director in writing that an additional application fee is required. The letter shall direct the applicant to remit an amount that the executive director has determined is necessary to complete the investigation. Once an applicant is directed to submit an application fee in excess of the five thousand dollar (\$5,000) fee set forth in this rule, the investigative team conducting the investigation on that applicant shall not finalize the report on the applicant's suitability for licensure nor submit that report to the commission for consideration until the increased fee is paid by the applicant. (*Indiana Gaming Commission; 68 IAC 2-2-2; filed Nov 10, 1994, 11:00 a.m.: 18 IR 489; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-2-3 Supplier's license fees

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-7-1

Sec. 3. (a) All fees shall be submitted to the commission in the form of a certified check or cashier's check made payable to the state of Indiana.

(b) The supplier licensee shall remit the supplier's license fee of five thousand dollars (\$5,000) upon notification of suitability for licensure in accordance with section 5(e)(1) of this rule. The permanent supplier's license will not be issued until the five thousand dollar (\$5,000) license fee has been received by the commission.

(c) The supplier's license is valid for a period of one (1) year. The supplier's license may be renewed annually upon payment of the five thousand dollar (\$5,000) annual license fee. The supplier's license may be renewed annually upon compliance with

section 8 of this rule. (*Indiana Gaming Commission; 68 IAC 2-2-3; filed Nov 10, 1994, 11:00 a.m.: 18 IR 489; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1020; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-2-4 Supplier's license applications

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-5-1; IC 4-33-7

Sec. 4. (a) An applicant for a supplier's license must complete and submit the required information and written documents on forms prescribed by the commission.

(b) Application procedures shall be as follows:

(1) An applicant is seeking a privilege and assumes and accepts any and all risk of adverse publicity, notoriety, embarrassment, criticism, or other action or financial loss that may occur in connection with the application process or the public disclosure of information requested. The applicant expressly waives any claim for damages that may result from the application process.

(2) Any misrepresentation or omission made with respect to an application may be grounds for denial of the application.

(3) An applicant must submit five (5) bound and three (3) unbound copies of the supplier's license application and requested materials.

(4) Substantial owners of the applicant must submit a photograph taken within three (3) months of its submission and must be fingerprinted at a time and place designated by the executive director.

(5) The applicant's key persons, substantial owners, and any other persons the commission directs under section 1(d) of this rule shall file a Personal Disclosure Form 1 in accordance with 68 IAC 2-3-4(d).

(6) An application shall be deemed filed when the completed application forms, including all required documents, all personal disclosure forms, materials, photographs, and application fee have been submitted. A background investigation will not be initiated by the commission until a completed application is received by the commission.

(7) The completed applications must be filed in the commission's office in Indianapolis, Indiana.

(8) An applicant is under a continuing duty to disclose any changes in the information submitted to the commission which may effect the commission action on applicant's suitability for licensure.

(c) The supplier's license application shall require that the applicant submit the following information and documents on forms prescribed by the commission:

(1) Name of applicant.

(2) Present and past business address.

(3) Federal identification number, Indiana taxpayer identification number, or Social Security number.

(4) The applicant's inventory list, price list, purchase agreement, and service agreement.

(5) Agreements or negotiations entered into between the applicant and a riverboat licensee or a riverboat license applicant.

(6) The type or classification of goods or services that the applicant will supply riverboat licensees or riverboat license applicants.

(7) Corporate, partnership, and business information regarding the applicant and the applicant's substantial owners.

(8) The applicant's key persons and substantial owners.

(9) A list of the jurisdictions in which the applicant holds a gaming related license.

(10) Civil litigation history of the applicant, the applicant's key persons, and the substantial owners.

(11) Details of any disciplinary action initiated by a regulatory agency concerning the applicant's or the applicant's substantial owners' security or debt offerings.

(12) Details of any debt adjustment, deference, or suspension.

(13) Description of all bonus, profit sharing, pension, retirement, deferred compensation, and similar plans in existence or to be created between the applicant and the applicant's substantial owners.

(14) Criminal history of the applicant or the applicant's substantial owners.

(15) Details of any denial, restriction, suspension, revocation, or nonrenewal of a license or certificate held by the applicant or applicant's substantial owners.

(16) Political contributions made by the applicant or the applicant's substantial owners in accordance with IC 4-33-5-1(a)(10).

(17) Confidential financial information.

(18) Confidential taxpayer information.

(19) Confidential trade secret information.

(20) Any other information or documents that the commission determines is necessary to ensure the applicant meets the criteria for licensure under the Act and this title.

(d) An application for a supplier's license may not be withdrawn without leave of the commission. A request for leave to withdraw a supplier's license shall be granted by the commission if received prior to commission action on licensure under this rule unless denial of the withdrawal is not in the best interest of the state of Indiana and the gaming industry. (*Indiana Gaming Commission; 68 IAC 2-2-4; filed Nov 10, 1994, 11:00 a.m.: 18 IR 490; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1020; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-2-5 Licensing procedures

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-4-11; IC 4-33-7-3

Sec. 5. (a) An application for a supplier's license shall be subject to the following procedures in order to obtain a supplier's license:

(1) Application.

(2) Issuance of a temporary supplier's license.

(3) Investigation of the applicant.

(4) Action by the commission.

(5) Issuance of a permanent supplier's license.

(6) Different or additional licensing procedures the commission requires of the applicant to ensure compliance with the Act and this title.

(b) Procedures for a temporary supplier's license shall be as follows:

(1) An applicant for a supplier's license must submit a completed application, an application fee, and an agreement or statement of intent on a form prescribed by the commission, indicating that the riverboat licensee or riverboat license applicant will utilize the applicant for the provision of goods and services listed in section 1 of this rule to the riverboat licensee.

(2) Once the commission has received the completed application, the application fee, and the agreement or statement of intent, the commission shall obtain the applicant's fingerprints at a time and place directed by the executive director. If the application or a criminal history check completed by a commission agent, or both does not reveal that the applicant has been convicted of a felony under Indiana law, the laws of any other state, or the laws of the United States, and the applicant meets the statutory criteria set forth in IC 4-33-7-3, the commission shall issue the applicant a temporary license.

(3) The temporary supplier's license shall be on a form prescribed by the commission and shall meet the specifications set forth in section 6 of this rule.

(4) An applicant who receives a temporary license may supply the riverboat licensee with goods and services until a permanent license is issued or the temporary license is withdrawn.

(5) A temporary supplier's license shall not be transferred. If an applicant fails to begin or ceases providing a riverboat licensee with goods or services, the applicant shall advise the commission immediately and shall return the temporary license to the commission. The failure to advise the commission that the applicant has failed to begin or has ceased providing a riverboat licensee with goods and services may be grounds to deny licensure in the future.

(6) Requirements for the withdrawal of a temporary supplier's license shall include the following:

(A) The executive director, upon written notice to the applicant and the riverboat licensee who has signed a statement of intent, may withdraw a temporary supplier's license if the executive director determines that the background investigation reveals nonsuitability for licensure.

(B) If an applicant's temporary supplier's license is withdrawn, the applicant shall not be permitted to provide any riverboat licensee with any of the goods or services listed in section 1 of this rule.

(C) If an applicant's temporary supplier's license is withdrawn by the executive director, the executive director shall immediately forward the application to the commission for commission action.

(D) The applicant may seek to voluntarily withdraw the application prior to the commission action on withdrawal of a temporary supplier's license.

(7) An applicant must comply with all requests for information, documents, or other materials relating to the applicant and

the application during the investigation conducted by the commission.

(c) The applicant shall meet the following standards, qualifications, or criteria to be issued a supplier's license:

- (1) The applicant and the applicant's substantial owners must possess the qualifications set forth in IC 4-33-7-3.
- (2) The applicant, in the case of an individual, or the applicant's substantial owners must be twenty-one (21) years of age.
- (3) The applicant and the applicant's substantial owners must demonstrate a level of skill, experience, knowledge, and ability necessary to supply the goods or services applicant seeks permission to provide.
- (4) The applicant or the applicant's substantial owners must not have been convicted of any offense for a violation of a gaming law in any jurisdiction.
- (5) The applicant or the applicant's substantial owners must not appear on the exclusion list of any jurisdiction for having violated a rule of gaming.
- (6) An applicant who will supply the riverboat with alcoholic beverages or other goods or services requiring an additional permit or certificate from any state government or the federal government must hold the appropriate permit or certificate from the alcoholic beverage commission or the appropriate governmental entity.
- (7) The applicant or the applicant's substantial owners must be in substantial compliance with all state and federal tax laws.
- (8) An applicant must meet any other standard that the commission deems necessary to ensure compliance with the Act and this title after publication of the standard.

(d) The commission may place restrictions or conditions on a temporary supplier's license. The applicant must comply with these restrictions or conditions before the commission issues a permanent supplier's license. These restrictions or conditions may include, but are not limited to, the following:

- (1) That the supplier licensee begin supplying a riverboat gambling operation within a reasonable period of time.
- (2) That the supplier licensee demonstrate to the commission that the goods or services the supplier licensee will provide to a riverboat gambling operation are in compliance with the Act and this title.
- (3) That the supplier licensee has adequate insurance in accordance with IC 4-33-4-11 and subsection (f).

The supplier licensee must continue to meet all conditions or restrictions for licensure after the issuance of the permanent supplier's license. If a supplier licensee fails to adhere to these conditions or restrictions or fails to maintain suitability for licensure, the commission may initiate a disciplinary action under 68 IAC 13.

(e) Action of the commission shall be as follows:

- (1) After the completion of the background investigation, if the commission finds that an applicant is suitable to receive a supplier's license, the commission shall direct the executive director to issue the applicant a permanent supplier's license upon the payment of the annual licensing fee. The permanent license shall be on a form prescribed by the commission and shall meet the specifications set forth in section 6 of this rule. If the applicant's annual licensing fee is not received by the commission within ten (10) days after the date of the mailing of the notification of the applicant's suitability for licensure to the applicant, the executive director shall withdraw the applicant's temporary supplier's license and notify the commission that the temporary supplier's license has been withdrawn.
- (2) If the commission determines that the applicant is not suitable to receive a supplier's license, it shall direct the executive director to issue the applicant a notice of denial by personal delivery or certified mail.

(f) A supplier licensee must obtain or maintain, or both, insurance in a minimum amount determined by the commission. The supplier licensee shall obtain or maintain, or both, the following types of insurance:

- (1) Liability.
- (2) Casualty.
- (3) Capital loss.
- (4) Fire.
- (5) Theft.
- (6) Worker's compensation insurance.
- (7) Any other type of insurance the commission deems necessary to ensure the supplier licensee is adequately insured.

After the commission issues a temporary supplier's license to the applicant, the commission shall direct the executive director to advise the applicant, in writing, of the amount of insurance which the applicant must obtain or maintain, or both. Failure to comply with this subsection may result in the revocation of a temporary supplier's license or the denial of the issuance of a permanent supplier's license.

(g) The supplier licensee is under a continuing duty to maintain the minimum amount of insurance specified by the

commission under subsection (f). The commission may initiate a disciplinary action under 68 IAC 13 if the supplier licensee fails to maintain the requisite insurance. (*Indiana Gaming Commission; 68 IAC 2-2-5; filed Nov 10, 1994, 11:00 a.m.: 18 IR 490; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1021; errata filed Apr 9, 1996, 12:15 p.m.: 19 IR 2044; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-2-6 Supplier's license requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-7

Sec. 6. (a) The temporary and permanent supplier's licenses shall be on forms prescribed by the commission and shall display the following:

- (1) The applicant's name and business address.
- (2) The classification of the goods or services the licensee will supply.
- (3) The supplier's license number assigned by the commission.
- (4) The signature of the executive director of the commission.
- (5) The date the supplier's license was issued and the date that the license will expire.
- (6) Any other information the commission deems necessary to identify the supplier licensee, and any conditions or restrictions that are placed on the supplier license.

(b) A fee of ten dollars (\$10) shall be paid to the commission for any necessary replacement of a temporary or permanent supplier's license. The fee shall be assessed each time a supplier licensee obtains a replacement temporary or permanent license.

(c) The temporary and permanent supplier's licenses shall remain the property of the commission at all times. The supplier's license may be revoked, suspended, canceled, or restricted by the commission under 68 IAC 13.

(d) The supplier licensee shall provide a true and accurate copy of the license to each riverboat licensee to whom the supplier licensee provides goods and services. The riverboat licensee shall maintain a true and accurate copy of each supplier's license issued to the suppliers from whom the riverboat licensee obtains goods and services.

(e) The supplier licensee shall return the supplier's license to the commission if the supplier licensee ceases to provide any riverboat with the goods or services for which the supplier licensee is licensed to supply or distribute, or both. (*Indiana Gaming Commission; 68 IAC 2-2-6; filed Nov 10, 1994, 11:00 a.m.: 18 IR 492; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-2-6.1 Requirement that certain employees of a supplier licensee obtain occupational license

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 6.1. The commission may require that employees of a supplier licensee that will be on a riverboat to install, service, or repair equipment, devices, or systems supplied by the supplier licensee obtain an occupational license, Level 3 under 68 IAC 2-3-1. An employee of a supplier licensee that will be present on a riverboat on a regular basis may be required to obtain an occupational license. (*Indiana Gaming Commission; 68 IAC 2-2-6.1; filed May 22, 1997, 11:10 a.m.: 20 IR 2698; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-2-7 Reapplication for denied license

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-7-1

Sec. 7. A person whose application for a supplier's license has been denied may not reapply for a supplier's license for a period of one (1) year from the date on which the commission voted to deny his or her application without leave of the commission. The commission may grant leave for reapplication if the applicant can demonstrate that the reason the original application was denied no longer exists or bars suitability for licensure. (*Indiana Gaming Commission; 68 IAC 2-2-7; filed Nov 10, 1994, 11:00 a.m.: 18 IR 493; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-2-8 Annual renewal

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-7

Sec. 8. (a) A supplier's license must be renewed annually.

(b) A supplier licensee must request renewal of the license on a form prescribed by the commission. The supplier licensee must complete the form and provide the commission with any information or documents that the commission deems necessary. The form requesting renewal of the supplier's license must be submitted with the annual fee under section 3 of this rule. The commission may perform a background investigation on any supplier licensee seeking renewal of the license. The cost of any investigation shall be charged to the supplier licensee.

(c) The commission may refuse to renew a supplier's license if the supplier licensee no longer meets the requirements set forth in this rule and IC 4-33-7. (*Indiana Gaming Commission; 68 IAC 2-2-8; filed Nov 10, 1994, 11:00 a.m.: 18 IR 493; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-2-9 Duty to maintain suitability; duty to disclose; transfer of supplier's license

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-7

Sec. 9. (a) All supplier licensees have a continuing duty to maintain suitability for licensure. A supplier's license does not create a property right, but is a revocable privilege granted by the state contingent upon continuing suitability for licensure.

(b) Riverboat licensees shall notify the commission that a supplier licensee is in violation of the requirements of this rule or the Act if the riverboat licensee is aware of a violation.

(c) A supplier licensee shall notify the commission of any changes in the information submitted in the application or any other condition that renders the supplier licensee ineligible to hold a supplier's license.

(d) A supplier's license shall not be transferred unless the transfer complies with 68 IAC 5. (*Indiana Gaming Commission; 68 IAC 2-2-9; filed Nov 10, 1994, 11:00 a.m.: 18 IR 493; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-2-9.5 Records

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-4-6; IC 4-33

Sec. 9.5. (a) This rule applies to all supplier licensees and supplier's license applicants.

(b) All supplier licensees and supplier's license applicants shall maintain, in a place secure from theft, loss, or destruction, adequate records of business operations. These records shall be held for at least five (5) years. These records shall include, but not be limited to, the following:

- (1) All correspondence with or reports to the commission or to any local, state, or federal government agency.
- (2) All financial statements or financial records of the supplier.
- (3) All records pertaining to products or services supplied by the supplier licensee to Indiana riverboat licensees or Indiana riverboat license applicants.
- (4) All correspondence with riverboats licensed under IC 4-33, or documentation relating to order, shipment, or receipt or provision of merchandise or services sold or provided under the Act or this title.
- (5) Personnel files on each employee of the supplier licensee, including sales representatives.

(c) All supplier licensees and supplier's license applicants must produce the original or a copy, or both, of any records requested by the commission, commission agents, or persons authorized by the commission.

(d) No original book, record, or document that is required to be maintained by this section may be destroyed without prior approval of the commission.

(e) If a supplier licensee or supplier's license applicant fails to comply with this section, the commission may initiate disciplinary action pursuant to 68 IAC 13-1. (*Indiana Gaming Commission; 68 IAC 2-2-9.5; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1061*)

68 IAC 2-2-10 Restriction, revocation, or other action regarding a supplier's license

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 10. (a) The commission may take any action against a supplier licensee at any time, including, but not limited to, revocation, restriction, or suspension of a supplier's license at any time that the commission determines the supplier licensee is in violation of this rule or the Act.

(b) If the commission determines that a supplier licensee is in violation of this rule or IC 4-33, the commission may initiate a disciplinary proceeding to revoke, restrict, or suspend the supplier's license under 68 IAC 13. (*Indiana Gaming Commission; 68 IAC 2-2-10; filed Nov 10, 1994, 11:00 a.m.: 18 IR 493; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-2-11 Request for hearing on notice of denial or nonrenewal of supplier's license

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-7

Sec. 11. (a) An applicant or a supplier licensee who is served with a notice of denial or nonrenewal under this rule may request a hearing under 68 IAC 7.

(b) If the applicant does not request a hearing, the notice of denial or nonrenewal becomes the final order of the commission denying the application for a supplier's license. (*Indiana Gaming Commission; 68 IAC 2-2-11; filed Nov 10, 1994, 11:00 a.m.: 18 IR 493; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-2-12 Waiver of requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-7-1; IC 4-33-7-4

Sec. 12. The commission may waive, restrict or alter any licensing requirement or procedure if the commission determines that the procedure or requirement is impractical, or burdensome, and such waiver, restriction, or alteration is in the best interest of the public and the gaming industry, and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure. (*Indiana Gaming Commission; 68 IAC 2-2-12; filed Nov 10, 1994, 11:00 a.m.: 18 IR 493; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

Rule 3. Occupational Licenses

68 IAC 2-3-1 Occupational license required

Authority: IC 4-33-4-1; IC 4-33-4-2

Affected: IC 4-33-8-1

Sec. 1. (a) The following definitions apply throughout this rule:

(1) "Applicant" means an applicant for an occupational license.

(2) "Riverboat license applicant" means an applicant for a riverboat owner's license that has been issued a certificate of suitability under 68 IAC 2-1-5.

(b) This rule is applicable to full-time and part-time employees or potential employees of a riverboat licensee or a riverboat license applicant.

(c) The following persons are required to hold an occupational license:

(1) A person employed by the riverboat gambling operation and whose duties are to be performed on the riverboat.

(2) All security personnel.

(3) Managers or supervisory personnel.

(4) Employees whose duties are performed off the riverboat and whose duties include the handling of money or performing accounting and auditing functions that involve money obtained as a result of gaming or other operations aboard the riverboat.

(d) An employee whose duties are to be performed at the dock site facilities only is not required to hold an occupational

license, unless the employee's duties are described in subsection (c).

(e) An occupational license, Level 1 is the highest level of occupational license. An occupational licensee may perform any activity included within the occupational licensee's level of occupational license or any lower level of occupational license.

(f) An employee of a riverboat gambling operation who does not hold an occupational license shall not perform any duties on the riverboat at any time.

(g) A person under twenty-one (21) years of age shall not hold an occupational license of any level.

(h) An application for an occupational license shall not be processed by the commission unless the applicant has an agreement or a statement of intent with a riverboat licensee or a riverboat license applicant that the applicant will be employed upon receiving the appropriate occupational license.

(i) Occupational license, Level 1, includes the following positions or their equivalent:

- (1) Audit manager.
- (2) Casino manager.
- (3) Chief of security.
- (4) Chief of surveillance.
- (5) Chief financial officer or controller, or both.
- (6) Electronic data program manager.
- (7) Gaming operations manager not required to hold a supplier's license under 68 IAC 2-2.
- (8) Electronic gaming device manager.
- (9) Table games manager.
- (10) General manager.
- (11) Support operations manager.

(12) Any other employee of a riverboat gambling operation whom the commission deems necessary, to ensure compliance with the Act and this title, to hold an occupational license, Level 1.

(j) The following employees shall obtain an occupational license, Level 2:

- (1) Security personnel and surveillance personnel.
- (2) Any employee of a riverboat gambling operation whose duties are performed on the riverboat and whose employment duties affect gaming.
- (3) Any employee of a riverboat gambling operation whose duties are performed on or off the riverboat and whose employment duties affect the flow of money obtained as a direct result of gaming operations or other operations aboard the riverboat.
- (4) Any employee of a riverboat gambling operation whose duties include accounting and auditing functions and whose duties relate to money obtained as a result of gaming or other operations aboard the riverboat.
- (5) Any other employee of a riverboat gambling operation whom the commission deems necessary, to ensure compliance with the Act and this title, to hold an occupational license, Level 2.

(k) The following employees shall obtain an occupational license, Level 3:

- (1) Any employee of a riverboat gambling operation whose duties are performed on a riverboat and who are not employees described in subsection (i) or (j).
- (2) The crew members responsible for operating and navigating the riverboat.
- (3) Instructors of an occupational training school under 68 IAC 2-5.
- (4) Any other employee of a riverboat gambling operation whom the commission deems necessary, to ensure compliance with the Act and this title, to hold an occupational license, Level 3.

(Indiana Gaming Commission; 68 IAC 2-3-1; filed Nov 10, 1994, 11:00 a.m.: 18 IR 493; filed Aug 20, 1997, 7:11 a.m.: 21 IR 8; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 2-3-1.1 Surveillance department requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-8-4

Affected: IC 4-33-6

Sec. 1.1. (a) Members of the surveillance department shall report to the surveillance manager. The surveillance manager must report to a corporate office.

(b) The surveillance manager shall not be responsible for overseeing any other department. (*Indiana Gaming Commission; 68 IAC 2-3-1.1; filed Aug 20, 1997, 7:11 a.m.: 21 IR 9; errata, 21 IR 399; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-3-1.5 Management of riverboat gambling operations

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-8-4
Affected: IC 4-33-6

Sec. 1.5. (a) An individual applying for an occupational license, Level 1, to manage a riverboat gambling operation is subject to background inquiries and requirements similar to those required for an applicant for a riverboat owner's license under IC 4-33-6 and 68 IAC 2-1.

(b) Each individual applying for an occupational license, Level 1, to manage a riverboat gambling operation may manage gambling operations for only one (1) riverboat licensee. (*Indiana Gaming Commission; 68 IAC 2-3-1.5; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2653; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-3-2 Application fees

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-8-2

Sec. 2. (a) The riverboat licensee or a riverboat license applicant must pay a nonrefundable application fee for its potential riverboat employees in the following amounts:

- (1) Occupational license, Level 1, one thousand dollars (\$1,000).
- (2) Occupational license, Level 2, two hundred dollars (\$200).
- (3) Occupational license, Level 3, seventy-five dollars (\$75).

(b) A supplier licensee may be required to pay the nonrefundable application fees on behalf of its employees that require an occupational license of any level.

(c) All fees must be submitted to the commission in the form of a certified check or cashier's check made payable to the state of Indiana. The riverboat licensee or a riverboat license applicant may pay the application fee for more than one (1) employee with one (1) check.

(d) The riverboat licensee may seek reimbursement of the application fee from the occupational licensee.

(e) The application fee shall be utilized to conduct the background investigation of an applicant. The application fee of an applicant for an occupational license may be increased to the extent that the cost of the background investigation relating to that applicant exceeds the application fee set forth in subsection (a). The riverboat licensee or a riverboat license applicant shall be advised by the executive director, in writing, that an additional application fee is required with respect to a particular potential riverboat employee. The letter shall direct the riverboat licensee or the riverboat license applicant to remit an amount that the executive director has determined is necessary to complete the investigation. Once a riverboat licensee or a riverboat license applicant is directed to submit an application fee in excess of the amount set forth in subsection (a), no further steps shall be taken with respect to the application until the increased application fee is paid by the riverboat licensee or the riverboat license applicant. (*Indiana Gaming Commission; 68 IAC 2-3-2; filed Nov 10, 1994, 11:00 a.m.: 18 IR 494; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-3-3 Occupational license fees

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-4-2

Sec. 3. (a) The following annual occupational license fees must be submitted by the riverboat licensee for whom the occupational licensee shall be employed prior to the issuance of the permanent occupational license:

- (1) Occupational license, Level 1, one hundred dollars (\$100).
- (2) Occupational license, Level 2, fifty dollars (\$50).
- (3) Occupational license, Level 3, twenty-five dollars (\$25).

(b) A supplier licensee may be required to pay the annual occupational license fees on behalf of its employees that require

an occupational license of any level.

(c) All fees must be submitted to the commission in the form of a certified check or cashier's check made payable to the state of Indiana. The riverboat licensee may pay the occupational license fee for more than one (1) employee with one (1) check.

(d) The riverboat licensee may require that the occupational licensee reimburse the riverboat licensee for the annual licensing fee.

(e) The occupational license shall be valid for a period of one (1) year. The occupational license may be renewed annually upon the payment of the proper annual licensing fee set forth in subsection (a) and compliance with section 8 of this rule. (*Indiana Gaming Commission; 68 IAC 2-3-3; filed Nov 10, 1994, 11:00 a.m.: 18 IR 495; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-3-4 Applications

Authority: IC 4-33-4-1; IC 4-33-4-2

Affected: IC 4-33-8-5

Sec. 4. (a) An applicant for an occupational license must complete and submit the appropriate form prescribed by the commission. The applicant must complete and submit the requisite number of copies set forth in subsections (d) through (f).

(b) Application procedures shall be as follows:

(1) An applicant is seeking a privilege and assumes and accepts any and all risk of adverse publicity, notoriety, embarrassment, criticism, or other action or financial loss that may occur in connection with the application process or the public disclosure of information requested. The applicant expressly waives any claim for damages that may result from the application process.

(2) Any misrepresentation or omission made with respect to an application may be grounds for denial of the application.

(3) An applicant for an occupational license, Level 1 must submit three (3) bound and two (2) unbound copies of the Personal Disclosure Form 1 and requested materials to the commission office in Indianapolis, Indiana.

(4) An applicant for an occupational license, Level 2 or 3 must submit the original application and all requested materials to the commission agent at the commission office located at the appropriate riverboat's dock site.

(5) An applicant for any level of occupational license must submit a photograph taken within three (3) months of its submission and must be fingerprinted at a time and place designated by the executive director.

(6) An application shall be deemed filed when the completed application form, including all required documents, materials, photograph, and the application fee have been submitted. To constitute a completed application, the riverboat licensee or the riverboat license applicant that will hire the applicant must stamp the front page of an application with the riverboat licensee's or riverboat license applicant's logo and the riverboat licensee, riverboat license applicant, or its authorized agent must sign the front page of the application. The front page of an occupational license must not be stamped and signed by a riverboat licensee or riverboat license applicant unless the riverboat licensee or riverboat license applicant has offered the applicant for an occupational license employment aboard the riverboat. A background investigation will not be initiated by the commission until a completed application is received by the commission.

(7) An applicant is under a continuing duty to disclose any changes in the information submitted to the commission.

(c) An application for an occupational license may be withdrawn without leave of the commission if written notification of withdrawal is submitted prior to commission action on licensure under section 5 of this rule and unless the intended withdrawal is objected to by the executive director. If the executive director objects to the withdrawal of an application for an occupational license, the commission shall determine if the application may be withdrawn.

(d) An applicant for an occupational license, Level 1 must complete and submit three (3) bound and two (2) unbound copies of Personal Disclosure Form 1. Personal Disclosure Form 1 shall be on a form prescribed by the commission and shall include the following information and documents:

(1) The applicant's name, address, and telephone number.

(2) The applicant's Social Security number.

(3) The information specified in IC 4-33-8-5.

(4) Employment history.

(5) Two (2) sets of the applicant's fingerprints taken by the commission at a time and place designated by the executive director.

(6) A photograph taken within three (3) months of submission of the application.

(7) A copy of the applicant's birth certificate. If a birth certificate is not available, the applicant must submit naturalization

papers or a copy of a letter from the applicant to the appropriate government agency requesting the birth certificate.

(8) Physical characteristics, including build, complexion, and any distinguishing marks, including scars and tattoos.

(9) Familial information and marital history.

(10) Citizenship information.

(11) Military history and information.

(12) Educational history.

(13) Vocational or employment training programs.

(14) Criminal history of the applicant and the applicant's immediate family.

(15) Confidential tax return information and documents.

(16) Confidential financial and business information.

(17) Information regarding any litigation involving the applicant or the applicant's immediate family, or both.

(18) Appropriate waivers and affidavits.

(19) Any other information or documents that the commission deems necessary to ensure the applicant meets the licensing criteria set forth in the Act and this title.

(e) An applicant for an occupational license, Level 2 must complete and submit one (1) copy of the application for occupational license, Level 2. The occupational license, Level 2 application shall be on a form prescribed by the commission and shall include the following information and documents:

(1) The applicant's name, address, and telephone number.

(2) The applicant's Social Security number.

(3) The information specified in IC 4-33-8-5.

(4) Employment history.

(5) Two (2) sets of the applicant's fingerprints taken by the commission at a time and place designated by the executive director.

(6) A photograph taken at the time of submission of the application.

(7) A copy of the applicant's birth certificate. If a birth certificate is not available, the applicant must submit naturalization papers or a copy of a letter from the applicant to the appropriate government agency requesting the birth certificate.

(8) Physical characteristics, including build, complexion, and any distinguishing marks, including scars and tattoos.

(9) Familial information and marital history.

(10) Citizenship information.

(11) Military history and information.

(12) Educational history.

(13) Vocational or employment training programs.

(14) Criminal history of the applicant and the applicant's immediate family.

(15) Confidential tax return information and documents.

(16) Confidential financial and business information.

(17) Information regarding any litigation involving the applicant or the applicant's immediate family, or both.

(18) Appropriate waivers and affidavits.

(19) Any other information or documents that the commission deems necessary to ensure the applicant meets the licensing criteria set forth in the Act and this title.

(f) An applicant for an occupational license, Level 3 must complete and submit one (1) copy of the application for occupational license, Level 3. The application for an occupational license, Level 3 shall be on a form prescribed by the commission and shall include the following information and documents:

(1) The applicant's name, address, and telephone number.

(2) The applicant's Social Security number.

(3) The information specified in IC 4-33-8-5.

(4) Employment history.

(5) Educational history.

(6) Two (2) sets of the applicant's fingerprints taken by the commission at a time and place designated by the executive director.

(7) A photograph taken at the time of the submission of the application.

- (8) A copy of applicant's birth certificate. If a birth certificate is not available, the applicant must submit naturalization papers or a copy of a letter from the applicant to the appropriate government agency requesting the birth certificate.
- (9) Physical characteristics, including build, complexion, and any distinguishing marks, including scars and tattoos.
- (10) The applicant's criminal history.
- (11) Appropriate waivers and affidavits.
- (12) Any other information or documents that the commission deems necessary to ensure the applicant meets the licensing criteria set forth in the Act and this title.

(g) The applicant bears the burden of demonstrating that he or she is suitable for licensure. (*Indiana Gaming Commission; 68 IAC 2-3-4; filed Nov 10, 1994, 11:00 a.m.: 18 IR 495; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1023; filed Aug 20, 1997, 7:11 a.m.: 21 IR 9; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-3-5 Licensing procedures

Authority: IC 4-33-4-1; IC 4-33-4-2

Affected: IC 4-33-8-3

Sec. 5. (a) An applicant for an occupational license shall be subject to the following procedures prior to licensing:

- (1) Application.
- (2) Issuance of a temporary identification badge. The temporary identification badge shall serve as the temporary occupational license until the permanent occupational license has been issued or denied.
- (3) Investigation of the applicant.
- (4) If an applicant for an occupational license, Level 1, 2, or 3 has been convicted of a felony under Indiana law, the laws of any other state, or the laws of the United States, the application is automatically denied in accordance with IC 4-33-8-3(2). The executive director shall issue the applicant a notice of denial by certified mail, or the commission agent who receives the completed application may personally deliver a notice of denial to the applicant.
- (5) Action by the commission.
- (6) Issuance of a permanent identification badge. The permanent identification badge shall serve as the permanent occupational license.
- (7) Different or additional licensing procedures the commission requires of the applicant to ensure the applicant is in compliance with the Act and this title.
- (b) Procedures for a temporary occupational license shall be as follows:
 - (1) An applicant for an occupational license must submit a completed application that has been stamped and signed by the riverboat licensee, the riverboat license applicant, or its authorized agent to the commission agent at the commission's dock site office during times designated by the commission agents.
 - (2) Once the commission agent has received the completed occupational license application and appropriate fee, the commission agent shall obtain the applicant's fingerprints and photograph. If the application or a criminal record check completed by a commission agent, or both, does not reveal that the applicant has been convicted of a felony under Indiana law, the laws of any other state, or the laws of the United States, the commission agent shall issue the applicant a temporary identification badge.
 - (3) An applicant who receives a temporary identification badge may work on a riverboat until a permanent license is issued or the temporary identification badge is revoked.
 - (4) The temporary identification badge shall be a card of a color designated by the executive director and that meets the specifications set forth in section 6 of this rule. The color of the temporary identification badge shall be different from the color of the permanent identification badge.
 - (5) Temporary identification badges shall be worn by all occupational licensees during work hours. Temporary identification badges shall be clearly displayed.
 - (6) A fee of ten dollars (\$10) shall be paid to the commission for any necessary replacement of temporary identification badge. The fee shall be assessed each time an occupational licensee obtains a replacement temporary identification badge.
 - (7) A temporary identification badge shall not be transferred. If the applicant resigns or his or her employment is terminated, the applicant shall return the temporary badge to the commission.
 - (8) Requirements for the revocation of a temporary identification badge shall include the following:

(A) The executive director, upon written notice to the applicant and the riverboat licensee, may revoke an applicant's temporary badge if the executive director determines that the background investigation reveals that an applicant is not suitable for licensure.

(B) The executive director, or the executive director's designee, upon written notice to the applicant and the riverboat licensee, may revoke an applicant's temporary occupational license if the executive director or the executive director's designee determines that the applicant has violated the Act or this title, or committed a criminal offense in the performance of the applicant's duties for the riverboat licensee.

(C) If an applicant's temporary identification badge is revoked, the applicant shall not be permitted to work for any riverboat gambling operation at duties that are to be performed on a riverboat.

(D) If an applicant's temporary identification badge is revoked, the application shall be forwarded to the commission for action unless the applicant withdraws the application prior to commission action.

(9) An applicant must comply with all requests for information, documents, or other materials relating to the applicant and his or her application during the investigation conducted by the commission.

(c) The applicant shall meet the following standards, qualifications, or criteria to be issued an occupational license of any level:

(1) The applicant must possess the qualifications set forth in IC 4-33-8-3.

(2) The applicant must demonstrate a level of skill, experience, or knowledge necessary to perform the job that the applicant will perform.

(3) An applicant whose knowledge, experience, and skill are derived solely from the completion of an occupational training school that is not in compliance with 68 IAC 2-5 shall not be considered to have the requisite skill, experience, or knowledge necessary to conduct gambling games. An applicant who has completed an occupational training school that is not in compliance with 68 IAC 2-5 may be hired if the riverboat licensee will provide the appropriate training.

(4) The applicant must not have been convicted of any offense involving violation of a gaming law in any jurisdiction.

(5) The applicant's name must not appear on the exclusion list of any jurisdiction.

(6) The applicant must never have had a gaming license suspended or revoked in any jurisdiction.

(7) An applicant who will serve alcoholic beverages must hold the appropriate permits from the alcoholic beverage commission.

(8) An applicant whose duties will be to operate or navigate the riverboat must hold the appropriate licenses or merchant marine documents, or both, from the United States Coast Guard.

(9) An applicant who will work on a riverboat that is docked on the waters of Lake Michigan must hold a valid merchant marine document from the United States Coast Guard.

(10) An applicant whose duties will be to operate or navigate the riverboat must not have violated any criminal statute involving drugs or alcohol, or both, in any jurisdiction.

(11) An applicant must not be currently abusing drugs or alcohol, or both.

(12) An applicant must be twenty-one (21) years of age.

(13) An applicant must be in substantial compliance with all state and federal tax laws.

(14) An applicant must be of good moral character and reputation.

(15) An applicant must meet any other standard that the commission deems necessary to ensure compliance with the Act and this title after publication of the standard.

(d) The commission may place restrictions or conditions on a temporary occupational license. The applicant must comply with these restrictions or conditions before the commission issues an occupational license. These restrictions or conditions may include, but are not limited to, the following:

(1) That the applicant demonstrates a level of skill, experience, or knowledge necessary to perform the job that the applicant will perform.

(2) That the applicant who will serve alcoholic beverages holds the appropriate permits from the alcoholic beverage commission.

(3) That the applicant who will operate or navigate the riverboat holds the appropriate license or merchant marine documents, or both, from the United States Coast Guard.

The occupational licensee must continue to meet all conditions or restrictions for licensure after the issuance of the permanent occupational license. If an occupational licensee fails to adhere to these conditions or restrictions or fails to maintain suitability for

licensure, the commission may initiate a disciplinary action under 68 IAC 13.

(e) Action of the commission shall be as follows:

(1) After the background investigation has been completed, if the commission finds that the applicant is suitable to receive an occupational license, the commission shall direct the executive director to issue the applicant an occupational license upon the payment of the applicant's occupational license fee. The permanent identification badge shall serve to represent the permanent occupational license. If the applicant's occupational license fee is not received by the commission within ten (10) business days after the date of the mailing of the notification of the applicant's suitability for licensing to the applicant and the riverboat licensee, the executive director shall revoke the applicant's temporary identification badge and notify the commission that the temporary identification badge has been revoked.

(2) If the commission determines that the applicant is not suitable to receive an occupational license, it shall direct the executive director to issue the applicant a notice of denial by personal delivery or certified mail, immediately revoke the temporary license, and notify the appropriate riverboat licensee of the revocation of the temporary license.

(f) Requirements for a permanent identification badge shall be as follows:

(1) Upon a finding of suitability for licensure, the commission shall issue an occupational license in the form of a permanent identification badge.

(2) The permanent identification badge shall remain the property of the commission at all times. The occupational license may be revoked, suspended, canceled, or restricted by the commission in accordance with 68 IAC 13. The commission may refuse to renew the license when it is reviewed under section 8 of this rule.

(3) Neither the occupational license number nor the permanent identification badge shall be transferred to another person. If the occupational licensee resigns or the occupational licensee's employment is terminated, the occupational licensee shall return the permanent identification badge to the commission.

(4) The permanent identification badge shall be a card of a color designated by the executive director and that meets the specifications set forth in section 6 of this rule. The color of the permanent identification badge shall be different from the color of the temporary identification badge.

(5) The permanent identification badge shall be worn by all occupational licensees during work hours. Permanent identification badges shall be clearly displayed.

(6) A fee of ten dollars (\$10) shall be paid to the commission for any necessary replacement of a permanent identification badge. The fee shall be assessed each time an occupational licensee obtains a replacement permanent identification badge.

(Indiana Gaming Commission; 68 IAC 2-3-5; filed Nov 10, 1994, 11:00 a.m.: 18 IR 497; filed Jan 30, 1998, 11:00 a.m.: 21 IR 2056; filed May 29, 1998, 5:12 p.m.: 21 IR 3704; errata filed Aug 12, 1998, 3:58 p.m.: 22 IR 125; filed Dec 29, 1998, 10:46 a.m.: 22 IR 1418; errata filed Jan 11, 1999: 3:54 p.m.: 22 IR 1525; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1061)

68 IAC 2-3-6 Identification badge

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8

Sec. 6. The identification badge shall be a card of the appropriate color which meets the following requirements:

(1) The front side of the identification badge shall:

(A) be a card bearing the name and logo of the riverboat gambling operation;

(B) display the applicant's photograph;

(C) display the applicant's first name and job title;

(D) display the occupational license number assigned by the commission;

(E) display the level of the occupational license;

(F) display the signature of the executive director; and

(G) display the date the identification badge and occupational license were issued and the date that the identification badge and occupational license will expire.

(2) The back side of the identification badge shall:

(A) display the applicant's first name and last name;

(B) display the applicant's signature;

- (C) display the applicant's date of birth;
- (D) have a magnetic stripe on the bottom of the card that shall be capable of:
 - (i) revealing the applicant's security clearance levels;
 - (ii) tracking the applicant's employment attendance; and
 - (iii) tracking the applicant's ingress and egress on the riverboat through the employee entrances; and
- (E) display any other information deemed necessary by the commission to identify the occupational licensee, the riverboat of employment, the appropriate level of occupational license, and any conditions or restrictions that have been placed on the occupational license.

- (3) Identification badges shall be constructed so that the badges can be easily affixed to the occupational licensee's clothing.
- (4) The temporary and permanent badges shall remain the property of the commission at all times. The temporary and permanent badges may be revoked, suspended, canceled, or restricted by the commission in accordance with 68 IAC 13. The commission may refuse to renew the license when it is reviewed under section 8 of this rule.
- (5) The temporary and permanent badges shall not be transferred. If the applicant resigns or his or her employment is terminated, the applicant shall return the temporary or permanent badge to the commission.

(Indiana Gaming Commission; 68 IAC 2-3-6; filed Nov 10, 1994, 11:00 a.m.: 18 IR 499; filed Jun 1, 1998, 2:48 p.m.: 21 IR 3706; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 2-3-6.1 Post-licensing policies and procedures

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 6.1. (a) The following policies and procedures are applicable to occupational licensees and the issuance of new badges:

- (1) If an occupational licensee leaves employment with one (1) riverboat licensee and begins employment with a different riverboat licensee, the occupational licensee must undergo a new application process, including the submission of the application fee in accordance with section 2 of this rule and the license fee in accordance with section 3 of this rule.
- (2) If an occupational licensee transfers to a new position on the same riverboat licensee, but remains an occupational licensee of the same level, the ten dollar (\$10) replacement fee for the new identification badge is waived.
- (3) If an occupational licensee transfers to a new position with the same riverboat licensee that does necessitate a change in his or her licensure level, the occupational licensee must undergo a new application process, including the submission of the application fee in accordance with section 2 of this rule and the licensure fee in accordance with section 3 of this rule. The ten dollar (\$10) replacement fee for the new identification badge is waived. If a higher level of occupational license is needed, the original application fee will be applied toward the higher application fee and only the difference between the application fees must be submitted.
- (4) If an occupational licensee ceases employment with a riverboat licensee, but returns to the same riverboat licensee in the same position within sixty (60) days, the occupational licensee does not have to be reprocessed. The occupational licensee may utilize the original identification badge if it has not been canceled by the commission or otherwise destroyed. If the occupational licensee needs a new identification badge, the ten dollar (\$10) replacement fee must be paid in accordance with section 5 of this rule.
- (5) If an occupational licensee ceases employment with a riverboat licensee, but returns to the same riverboat licensee more than sixty (60) days later, the occupational licensee must submit a new application in accordance with section 4 of this rule and a new application fee in accordance with section 2 of this rule.
- (6) If an occupational licensee needs to obtain a new identification badge for any of the following reasons, the ten dollar (\$10) replacement fee must be paid in accordance with section 5 of this rule:
 - (A) The occupational licensee has lost the identification badge.
 - (B) The occupational licensee has destroyed the identification badge.
 - (C) The occupational licensee needs a new identification badge due to theft of the previous identification badge.
 - (D) The occupational licensee needs a new identification badge due to a name change.
- (b) All application fees shall be paid in accordance with section 2 of this rule.
- (c) All occupational license fees shall be paid in accordance with section 3 of this rule.

(Indiana Gaming Commission; 68 IAC 2-3-6.1; filed Mar 21, 1997, 10:00 a.m.: 20 IR 2091; errata filed May 7, 1997, 4:00 p.m.: 20 IR 2413; readopted filed Oct 15,

2001, 4:34 p.m.: 25 IR 898)

68 IAC 2-3-7 Reapplication for denied license

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-3

Sec. 7. (a) A person whose application for an occupational license has been denied may not reapply for an occupational license of the same or higher level for a period of one (1) year from the date on which the commission voted to deny the application without leave of the commission.

(b) A person whose application for an occupational license was denied may seek leave of the commission to reapply within the one (1) year period by addressing the request to the commission through the executive director. The commission may require the applicant to present oral or written argument to the commission outlining why an exception should be made. (*Indiana Gaming Commission; 68 IAC 2-3-7; filed Nov 10, 1994, 11:00 a.m.: 18 IR 499; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-3-8 Annual renewal

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-2

Sec. 8. (a) An occupational license must be renewed annually.

(b) An occupational licensee must request renewal of the license on a form prescribed by the commission no less than thirty (30) days before the expiration of the occupational license. The occupational licensee must complete the form and provide the commission with any information or documents which the commission deems necessary. The form requesting renewal of an occupational license must be submitted with the annual fee under section 3 of this rule. The commission may perform a background investigation on any occupational licensee seeking renewal of the license. The commission may require that all or part of the investigation cost be charged to the occupational licensee.

(c) The commission may refuse to renew an occupational license if the occupational licensee no longer meets the requirements set forth in this rule and IC 4-33-8. (*Indiana Gaming Commission; 68 IAC 2-3-8; filed Nov 10, 1994, 11:00 a.m.: 18 IR 500; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-3-9 Duty to maintain suitability; duty to disclose

Authority: IC 4-33-4-1; IC 4-33-4-2

Affected: IC 4-33

Sec. 9. (a) All occupational licensees have a continuing duty to maintain suitability for licensure. An occupational license does not create a property right, but is a revocable privilege granted by the state contingent upon continuing suitability for licensure.

(b) Riverboat licensees shall notify the commission that an occupational licensee is in violation of the requirements of this rule or IC 4-33 if the riverboat licensee is aware of the violation.

(c) Occupational licensees shall notify the commission of any changes in the information submitted in the application or any information which could render the licensee ineligible to hold an occupational license.

(d) Occupational licensees must notify the commission that a riverboat licensee, a supplier licensee, or an occupational licensee has violated the Act or this title as soon as the occupational licensee becomes aware of the violation. If an occupational licensee fails to notify the commission of a violation of the Act or this title by a riverboat licensee, a supplier licensee, or an occupational licensee, the commission may initiate a disciplinary action. (*Indiana Gaming Commission; 68 IAC 2-3-9; filed Nov 10, 1994, 11:00 a.m.: 18 IR 500; filed Aug 20, 1997, 7:11 a.m.: 21 IR 11; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-3-9.1 Duty to update information

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 9.1. (a) As used in this rule, "commission agent" means one (1) of the members of the Indiana state police department

who is assigned to work with the commission and who is on duty.

(b) All occupational licensees must submit, in writing, to the commission agent the following information:

- (1) Name changes.
- (2) Change of home address.
- (3) Change of home telephone number.
- (4) The filing of a bankruptcy by the occupational licensee.
- (5) That the occupational licensee has been arrested for, indicted of, charged with, convicted of, or plead guilty to any felony or misdemeanor offense.
- (6) Any other information that would affect the occupational licensee's suitability to maintain a license under the Act or 68 IAC 2-3 [this rule].

(c) The written document setting forth the above information required by subsection (b) must also set forth the name and occupational license number of the individual.

(d) The written document must be submitted within ten (10) calendar days of the change or the occurrence of the event. (*Indiana Gaming Commission; 68 IAC 2-3-9.1; filed Feb 18, 1998, 9:45 a.m.: 21 IR 2311; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-3-9.2 Riverboat licensee's duty to update commission

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 9.2. (a) This rule applies to all riverboat licensees.

(b) As used in this rule, "commission agent" means one (1) of the members of the Indiana state police department who is assigned to work with the commission and who is on duty.

(c) Riverboat licensees must advise the commission agent, on a form prescribed or approved by the commission, when one (1) of the following events occurs with an occupational licensee:

- (1) The occupational licensee's employment with the riverboat licensee is terminated for any reason.
- (2) The occupational licensee is suspended by the riverboat licensee.
- (3) The occupational licensee is on a leave of absence.
- (4) The occupational licensee transfers to another position with the riverboat licensee.

(d) The form utilized by the riverboat licensee to report the information set forth in subsection (c) must provide, at a minimum, the following information:

- (1) The name of the occupational licensee.
- (2) The address of the occupational licensee.
- (3) The telephone number of the occupational licensee.
- (4) The occupational license number.
- (5) The marital status of the occupational licensee.
- (6) The date the change or action will take effect.
- (7) The job title and position of the occupational licensee affected.
- (8) The reason for the change or action taken.
- (9) If the occupational licensee was terminated, whether the termination was voluntary or involuntary.
- (10) If the occupational licensee was terminated, whether or not the riverboat licensee collected the identification badge from the occupational licensee.
- (11) The signature of the individual completing the form for the riverboat licensee and the date on which the form was completed.

The form must be submitted to the commission agent within fifteen (15) days of the occurrence of the change or action.

(e) Riverboat licensees must collect the identification badge issued by the commission to an occupational licensee when the occupational licensee's employment with the riverboat licensee is terminated for any reason. All identification badges collected by the riverboat licensee must be turned over to a commission agent within seven (7) days. (*Indiana Gaming Commission; 68 IAC 2-3-9.2; filed Feb 18, 1998, 9:45 a.m.: 21 IR 2313; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-3-9.3 Prohibited activities

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 9.3. No occupational licensee may:

- (1) loan money to a patron;
- (2) purchase an item from a patron;
- (3) pawn an item for a patron;
- (4) cash a check for a patron; or
- (5) assist the patron;

in any manner not authorized by this title, in obtaining chips, tokens, cash, or cash equivalents with which the patron may place a wager. (*Indiana Gaming Commission; 68 IAC 2-3-9.3; filed Feb 18, 1998, 9:45 a.m.: 21 IR 2314; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-3-10 Restriction, revocation, or other action regarding the occupational license

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-8-8

Sec. 10. (a) The commission may take action, including, but not limited to, revocation, suspension, or restriction of an occupational license at any time that the commission determines the occupational licensee is in violation of the Act or this rule.

(b) If the commission determines that an occupational licensee is in violation of this rule or IC 4-33-8, the commission may initiate a disciplinary proceeding to revoke, restrict, or take any other disciplinary action with respect to the occupational license pursuant to 68 IAC 13. (*Indiana Gaming Commission; 68 IAC 2-3-10; filed Nov 10, 1994, 11:00 a.m.: 18 IR 500; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-3-11 Request for review of or hearing on notice of denial or nonrenewal of occupational license

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-8-3; IC 4-33-8-11

Sec. 11. (a) An applicant who is served with a notice of denial under section 5 of this rule or nonrenewal under section 8 of this rule may request a waiver of the requirements of IC 4-33-8-3 under 68 IAC 2-4 or a hearing on the notice of denial or nonrenewal under 68 IAC 7.

(b) If the applicant does not request a waiver or a hearing on the notice of denial or nonrenewal, the denial or nonrenewal becomes the final order of the commission denying the application for an occupational license. (*Indiana Gaming Commission; 68 IAC 2-3-11; filed Nov 10, 1994, 11:00 a.m.: 18 IR 500; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-3-12 Waiver, alteration, or restriction of requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-8-2; IC 4-33-8-7

Sec. 12. The commission may waive, alter, or restrict any licensing requirement or procedure if the commission determines that the procedure or requirement is impractical, or burdensome, and such waiver, alteration, or restriction is in the best interest of the public and the gaming industry, and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure. (*Indiana Gaming Commission; 68 IAC 2-3-12; filed Nov 10, 1994, 11:00 a.m.: 18 IR 500; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

Rule 4. Waiver of Convicted Felon Disqualification

68 IAC 2-4-1 Coverage of rule

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3; IC 4-33-3-23; IC 4-33-4-17; IC 4-33-8-3; IC 4-33-8-11

Sec. 1. (a) The following definitions apply throughout this rule:

(1) "Petitioner" means the person who has requested a waiver of the requirements of IC 4-33-8-3, which provides that an individual who has been convicted of a felony under Indiana law, the laws of any other state, or the laws of the United States shall not receive an occupational license.

(2) "Riverboat license applicant" means an applicant for a riverboat owner's license that has been issued a certificate of suitability under 68 IAC 2-1-5.

(b) A person whose application for an occupational license under 68 IAC 2-3 has been denied because of a felony conviction in accordance with IC 4-33-8-3(2) may request a waiver under IC 4-33-8-11. Upon receipt of the request for a waiver of the requirements of IC 4-33-8-3, the commission shall schedule a review on the request for a waiver. A review under this rule is not an appeal of commission action. A review must be undertaken before the person may request a hearing on the denial of the application for occupational license under 68 IAC 7-1.

(c) A petitioner may request a waiver of the requirements of IC 4-33-8-3 if a riverboat licensee or a riverboat license applicant indicates, in writing, that it would employ the petitioner upon the issuance of a waiver.

(d) The petitioner shall submit the original and two (2) copies of any request, pleading, or other written document submitted to the commission or the review officer, or both.

(e) An action involving a request for waiver under this rule must also comply with IC 4-21.5.3 [*sic.*, IC 4-21.5-3]. (*Indiana Gaming Commission; 68 IAC 2-4-1; filed Nov 10, 1994, 11:00 a.m.: 18 IR 501; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-4-2 Requests for waivers

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-3-23; IC 4-33-4-17; IC 4-33-8-3; IC 4-33-8-11

Sec. 2. (a) A request for waiver shall meet the following requirements:

(1) Be in writing.

(2) State the name, current address, and current telephone number of the petitioner.

(3) State the level of occupational license the petitioner has applied for and the job a riverboat licensee or a riverboat license applicant has offered the petitioner.

(4) State briefly the facts upon which the petitioner will rely to show that the petitioner has been rehabilitated.

(5) A request for a waiver shall be signed, verified, and dated by the petitioner. Such verification shall be notarized and shall include a certification stating, "Under the penalty of perjury, the undersigned has examined this request for review and to the best of my knowledge and belief, it is true, complete, and correct."

(b) A request for a waiver shall be submitted within ten (10) days after the date of delivery of the notice of denial and shall meet the following requirements:

(1) The petitioner may submit a request for waiver by:

(A) personal delivery;

(B) certified mail, postage prepaid;

(C) overnight express mail, postage prepaid; or

(D) personal delivery to the commission agent who receives the completed application from a person seeking an occupational license, Level 2 or 3.

(2) A request for a waiver shall be submitted to the executive director at the commission's office in Indianapolis, Indiana, unless it is personally submitted to the commission agent at the dock site.

(3) A request for a waiver submitted by certified mail or overnight express mail shall be deemed timely submitted if it is postmarked no later than ten (10) days after service of the notice of denial.

(c) A request for a waiver may not be withdrawn if the commission determines that withdrawal is not in the best interest of the public or the gaming industry. If the commission allows a petitioner to withdraw its waiver request, the denial of the issuance of an occupational license becomes a final commission order. (*Indiana Gaming Commission; 68 IAC 2-4-2; filed Nov 10, 1994,*

11:00 a.m.: 18 IR 501; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 2-4-3 Appearances; service

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3; IC 4-33-8-7; IC 4-33-8-11

Sec. 3. A petitioner may represent himself or herself or be represented by an attorney or representative who is in compliance with 68 IAC 1-6. Service shall be made in accordance with 68 IAC 1-6-4(c). (*Indiana Gaming Commission; 68 IAC 2-4-3; filed Nov 10, 1994, 11:00 a.m.: 18 IR 501; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-4-4 Review of a request for waiver

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-3; IC 4-33-8-11

Sec. 4. (a) Upon receipt of a request for waiver, the executive director shall assign one (1) person to serve as the review officer to conduct the review. The executive director, deputy director, and staff members of the commission who are attorneys are eligible to serve as review officers. The petitioner shall be served with a copy of the letter of appointment and such letter shall serve as notice of the pendency of the review.

(b) A review of the request for waiver shall be scheduled by the review officer within ninety (90) days from the receipt of the request for waiver. The review officer shall notify the petitioner in writing of the date, time, and place at which the review will be conducted. (*Indiana Gaming Commission; 68 IAC 2-4-4; filed Nov 10, 1994, 11:00 a.m.: 18 IR 501; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-4-5 Discovery procedures for a review of a request for waiver

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-3; IC 4-33-8-11

Sec. 5. (a) The petitioner shall provide the review officer with the following information at least fifteen (15) days before the date of the review:

(1) The name and address of any witness who may be called to testify on behalf of the petitioner.

(2) All documents or other material, whether or not in the possession and control of the petitioner that the petitioner reasonably expects will be necessary to introduce at the review.

(b) The commission, through its investigative teams, may conduct a background investigation of the petitioner. If a background investigation is conducted, a summary of the results of this investigation shall be provided to the review officer and the petitioner. (*Indiana Gaming Commission; 68 IAC 2-4-5; filed Nov 10, 1994, 11:00 a.m.: 18 IR 502; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-4-6 Review proceedings

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-11

Sec. 6. (a) The burden of proof is at all times upon the petitioner. The petitioner shall have the affirmative responsibility of establishing by a preponderance of the evidence that the petitioner is rehabilitated under IC 4-33-8-11.

(b) Any testimony shall be given under oath or affirmation.

(c) The petitioner may present his or her case. The review officer may question witnesses called by the petitioner. The review officer may then question the petitioner based on the testimony and evidence presented by the petitioner and the information gathered by the investigative teams.

(d) At the discretion of the review officer, the petitioner may present closing argument. The length of the closing argument shall be set by the review officer. (*Indiana Gaming Commission; 68 IAC 2-4-6; filed Nov 10, 1994, 11:00 a.m.: 18 IR 502; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-4-7 Rules of evidence during the review

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-11

Sec. 7. (a) The hearing need not be conducted according to technical rules of evidence. Any relevant evidence may be admitted and shall be sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules that might make improper the admission of such evidence over objection in a civil action. Hearsay may support a finding of the review officer if it is the best evidence available and has sufficient indicia of trustworthiness and reliability.

(b) The petitioner should, to the fullest extent possible, stipulate all matters that are not or should not be in dispute.

(c) The review officer may take official notice of any generally accepted information or technical or scientific matter within the field of gaming and any other fact that may be judicially noticed by the courts of Indiana. The petitioner shall be informed of any information, matters, or facts so noticed, and shall be given reasonable opportunity to refute such evidence. (*Indiana Gaming Commission; 68 IAC 2-4-7; filed Nov 10, 1994, 11:00 a.m.: 18 IR 502; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-4-8 Continuances

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-11

Sec. 8. (a) A motion to continue a review must be made at least ten (10) days before the review date unless the requesting party can show good cause.

(b) Continuances may be granted by the review officer upon a showing of good cause.

(c) The review officer may order a continuance of a hearing on the review officer's own initiative. (*Indiana Gaming Commission; 68 IAC 2-4-8; filed Nov 10, 1994, 11:00 a.m.: 18 IR 502; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-4-9 Transmittal of record and recommendation to the commission

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-11

Sec. 9. (a) The record shall consist of the following:

- (1) The notice of denial and request for review.
- (2) All evidence received.
- (3) A statement of matters officially noticed.
- (4) A summary of the results of the background investigation.
- (5) The criminal record or criminal history of the petitioner.
- (6) The written recommendations and findings of fact made by the review officer.
- (7) An original transcription or tape of the oral proceedings.

(b) Oral proceedings shall be recorded, at the direction of the review officer, stenographically or by such other means as to adequately ensure the preservation of such testimony or oral proceedings and shall be transcribed at the request of the petitioner or the commission. The requesting party shall pay for the transcript at the prevailing rate. The original transcript, if prepared, shall be filed with the commission. A party that did not order the original transcript may obtain a copy of the transcript after paying the appropriate cost.

(c) At the conclusion of the review, the review officer shall issue to the commission written findings of fact and recommendations. Findings of fact may be based on the evidence presented, matters officially noticed, the criminal record or history of the petitioner, and the results of the investigative teams' background investigations. In determining whether the petitioner has demonstrated rehabilitation, the review officer shall consider the factors set forth in IC 4-33-8-11.

(d) Requirements for a final commission order shall be as follows:

(1) The commission shall issue its order in one (1) of the following manners:

(A) The commission may issue an order by adopting the written findings of fact and recommendations of the review officer without further review.

(B) After a review of the entire record, the commission may render a written order, including the basis for its decision. The commission may adopt the findings of fact and recommendations of the review officer as the final commission order after the review.

(C) The commission may review the request for review of the convicted felon disqualification de novo.

(2) A copy of the final commission order shall be served on petitioner by personal delivery or certified mail.

(3) A final commission order shall become effective upon personal delivery to the petitioner or upon posting of certified mail.

(e) A petitioner who fails to receive an occupational license after a review under this rule may request a hearing under 68 IAC

7. (*Indiana Gaming Commission; 68 IAC 2-4-9; filed Nov 10, 1994, 11:00 a.m.: 18 IR 502; errata filed Nov 1, 1995, 8:30 a.m.: 19 IR 353; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-4-10 Settlement offers

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-11

Sec. 10. (a) The parties may propose settlement offers to the review officer or the commission at any stage of the proceedings where time, the nature of the proceeding, and public interest permit. Such offers may be made at any time prior to the entry of a final order, including prior to the initiation of the proceedings. The review officer or the commission may require that any of the parties to the offer make an oral or written presentation to the review officer or the commission regarding the settlement offer.

(b) Settlement agreements shall meet the following requirements:

(1) Be in writing.

(2) Be signed by the parties to the settlement offer.

(3) Be consistent with the provisions and objectives of the law.

(4) Accurately reflect all the terms of the settlement.

(5) Be served on the commission at the commission's office in Indianapolis, Indiana, by hand delivery, certified mail, or overnight mail.

(6) Be accompanied by a proposed order.

(c) If the commission votes to reject a settlement offer, the chair shall direct the executive director to notify the parties in writing, by certified mail or personal delivery, that the settlement offer was rejected. The offer and any documents relating to the offer shall not constitute a part of the record. (*Indiana Gaming Commission; 68 IAC 2-4-10; filed Nov 10, 1994, 11:00 a.m.: 18 IR 503; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-4-11 Prohibition on ex parte communication

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-11

Sec. 11. A party or its representative shall not communicate directly or indirectly with the review officer regarding any pending matter, except upon notice and opportunity for all parties to participate. A party who has ex parte communication with the review officer may be subject to the sanctions and penalties set forth in section 12 of this rule. (*Indiana Gaming Commission; 68 IAC 2-4-11; filed Nov 10, 1994, 11:00 a.m.: 18 IR 503; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-4-12 Sanctions and penalties

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-11

Sec. 12. (a) The review officer may impose sanctions and penalties if the review officer finds that a party has acted in bad faith, for the purpose of delay, or has otherwise abused the hearing process. Such sanctions and penalties include, but are not limited to, default judgment or directed finding on one (1) or more issues, or a fine.

(b) If a petitioner fails to testify on his or her own behalf with respect to any question propounded to him or her, the review officer may infer therefrom that such testimony or answer would have been adverse to the case of the party refusing to testify.

(c) If the petitioner fails to answer a subpoena or refuses to testify fully at the request of the commission, such failure may

be deemed independent grounds for a finding that the petitioner should have been denied a license. The review officer may also infer therefrom that such testimony would have been adverse to the petitioner.

(d) The unexcused failure of the petitioner to appear at a review shall constitute an admission of all matters and facts contained in the notice of denial. In such case, the review officer may take action based upon such admission or upon any other evidence, including affidavits, without any further notice to the petitioner. (*Indiana Gaming Commission; 68 IAC 2-4-12; filed Nov 10, 1994, 11:00 a.m.: 18 IR 503; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

Rule 5. Occupational Training Schools

68 IAC 2-5-1 Coverage of rule

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-9; IC 4-33-8-10; IC 20-12-5.5-1

Sec. 1. (a) This rule applies to occupational training schools that are located in Indiana and to occupational training schools that are located outside of Indiana, but directly recruit students within Indiana.

(b) A riverboat licensee or riverboat license applicant shall not enter into a written agreement with an occupational training school that offers training for occupational licensees under IC 4-33-8-9 unless the occupational training school is in compliance with this rule.

(c) As used in this rule, "applicant" means:

(1) an occupational training school that is seeking accreditation or has applied for a training license, or both; or

(2) is a higher education institution under IC 20-12-5.5-1 or is an accredited institution under the Higher Education Act (20 U.S.C. 1001).

(d) Riverboat licensees or riverboat license applicants that provide training for their employees are exempt from this rule.

(e) This rule does not preclude a supplier licensee from providing a demonstration of its equipment or training for the use of its equipment to a riverboat licensee, a riverboat license applicant, or the riverboat licensee's employees.

(f) For purposes of this rule, the Indiana commission on proprietary education is acting as an agent of the commission. (*Indiana Gaming Commission; 68 IAC 2-5-1; filed Nov 10, 1994, 11:00 a.m.: 18 IR 504; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1024; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-5-2 Procedure for approval and accreditation of occupational training school

Authority: IC 4-33-4-1; IC 4-33-4-2

Affected: IC 4-33-8-9; IC 4-33-8-10; IC 20-1-19

Sec. 2. (a) An applicant that is not a higher education institution or is not accredited under the Higher Education Act (20 U.S.C. 1001) must obtain and maintain a training license. The procedures, requirements, and fees set forth in 68 IAC 2-2 for obtaining a supplier's license shall apply to training licenses.

(b) Before an applicant may apply for accreditation by the Indiana commission on proprietary education, the applicant must complete and submit the following:

(1) A supplier's license application in compliance with 68 IAC 2-2.

(2) The appropriate Personal Disclosure Form 1 in accordance with 68 IAC 2-2-4(b).

(3) The nonrefundable application fee in accordance with 68 IAC 2-2-2.

(c) Before an applicant may receive a training license, it must:

(1) be accredited by the Indiana commission on proprietary education;

(2) enter into a written agreement or have established an intent to enter into a written agreement, pursuant to subsection (d), with a riverboat licensee, riverboat licensees, or a riverboat license applicant as soon as this rule is complied with; and

(3) have its curriculum approved by the commission under section 4 of this rule.

(d) The written agreement shall set forth the following information:

(1) The name, business address, and business telephone number of the occupational training school.

(2) The name, business address, and business telephone number of the riverboat licensee or riverboat license applicant.

(3) The game or games that will be taught by the occupational training school.

(4) An indication that the riverboat licensee or riverboat license applicant will consider individuals that have successfully completed the occupational training school for employment.

(5) Any other information deemed necessary by the commission to ensure compliance with the Act and this title.

(e) To receive accreditation, an applicant must comply with all the requirements of the commission on proprietary education necessary to obtain accreditation under IC 20-1-19 and 570 IAC.

(f) An applicant that is a higher education institution or is accredited under the Higher Education Act (20 U.S.C. 1001) must have its curriculum approved by the commission under section 4 of this rule. (*Indiana Gaming Commission; 68 IAC 2-5-2; filed Nov 10, 1994, 11:00 a.m.: 18 IR 504; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1025; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-5-3 Display of license; disclaimer

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-9; IC 4-33-8-10

Sec. 3. (a) An occupational training school that is not a higher education institution shall display its training license in a prominent place. The training license shall be displayed in close proximity to the statement in subsection (b).

(b) The occupational training school shall display in a prominent place, on its application for admission, and on other materials disseminated to potential students, the following:

“GRADUATION FROM THIS SCHOOL DOES NOT ASSURE THE GRADUATE THAT HE OR SHE WILL BE LICENSED BY THE INDIANA GAMING COMMISSION OR WILL BE HIRED BY A RIVERBOAT LICENSEE. ALL INDIVIDUALS MUST MAKE A SEPARATE APPLICATION FOR AN OCCUPATIONAL LICENSE AND MEET THE INDIANA GAMING COMMISSION'S STANDARDS TO WORK ON A RIVERBOAT.”

(*Indiana Gaming Commission; 68 IAC 2-5-3; filed Nov 10, 1994, 11:00 a.m.: 18 IR 504; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-5-4 Curriculum

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-9; IC 4-33-8-10

Sec. 4. (a) For each course submitted to the commission for approval, the occupational training school shall include the following:

(1) The course title.

(2) The objective or goal the course is designed to meet.

(3) An outline of the content of the course showing the major elements or items of instruction, the number of teacher contact hours of instruction for each element of the course, the number of practice hours required, and the total number of hours for the course.

(4) The entrance requirements imposed, if any, including, but not limited to, education, physical fitness, or dexterity.

(5) The proposed tuition and any other charges or cost to the student.

(6) The maximum number of students that will be permitted to enroll in one (1) session of the course or program.

(7) The number of work stations in the shop or laboratory, including the number and type of gaming tables and equipment to be used.

(8) The nature of the skill and knowledge students are expected to have upon completion of the course or program and the testing program to be used to test the students' competency levels.

(9) The student-teacher, student-table, and table-teacher ratios for each course or program.

(10) A copy of all written material to be utilized in the course or program.

(11) A description of the method and frequency by which the course will be evaluated in relation to its goals and objectives.

(12) Any other information the commission deems necessary to ensure compliance with the Act and this title.

(b) Any course or program designed to prepare a student as a dealer shall adhere to the following minimum hours:

(1) Two hundred (200) hours to deal craps.

(2) One hundred fifty (150) hours to deal roulette.

(3) One hundred thirty (130) hours to deal blackjack.

(4) Eighty (80) hours to deal baccarat.

(5) Two hundred (200) hours to deal poker.

(c) For a student being trained to deal a second or subsequent game, the following minimum hours shall be adhered to:

(1) One hundred twenty (120) hours to deal craps.

(2) Ninety (90) hours to deal roulette.

(3) Eighty (80) hours to deal blackjack.

(4) Fifty (50) hours to deal baccarat.

(5) One hundred twenty (120) hours to deal poker.

(d) For any course or program not listed in subsection (b) or (c), the required minimum hours of training and instruction will be determined by the commission on a case-by-case basis. The required minimum hours will be based on the number of hours the commission determines is necessary to ensure the occupational licensee will possess the level of skill, experience, and knowledge necessary to perform the job.

(e) For a student being trained to be a slot technician, there shall be a minimum of one hundred fifty (150) hours of instruction. (*Indiana Gaming Commission; 68 IAC 2-5-4; filed Nov 10, 1994, 11:00 a.m.: 18 IR 505; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3299; filed Oct 18, 1999, 1:27 p.m.: 23 IR 538; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-5-5 Equipment

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-9; IC 4-33-8-10

Sec. 5. (a) All gaming equipment utilized for training purposes in an occupational training school shall conform to the requirements set forth in the Act and this title.

(b) Each occupational training school shall keep an itemized list of its dealing shoes, gaming tables, cards, dice, roulette wheels, and other gaming equipment. The occupational training school or applicant shall submit its itemized list of equipment to the commission immediately upon receipt of any of the equipment. The itemized list shall be updated within ten (10) business days of any change in the inventory of gaming equipment. If any of the equipment is sold or no longer utilized, the occupational training school shall advise the executive director, in writing, that the equipment is no longer utilized and what happened to the equipment. The itemized list shall have additions and omissions made as they occur.

(c) Gaming equipment possessed by an occupational training school or an applicant may not be sold by the occupational training school or applicant except in accordance with applicable state and federal law.

(d) An occupational training school shall utilize chips and tokens that are distinctly dissimilar to chips and tokens used by riverboat licensees or proposed by riverboat license applicants. Representative samples of chips and tokens must be submitted to the commission for approval before they are utilized by an applicant or an occupational training school.

(e) The occupational training school or applicant must have its name permanently imprinted or affixed to the gaming equipment utilized. (*Indiana Gaming Commission; 68 IAC 2-5-5; filed Nov 10, 1994, 11:00 a.m.: 18 IR 505; errata filed Nov 1, 1995, 8:30 a.m.: 19 IR 353; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1025; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-5-6 Security

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-9; IC 4-33-8-10

Sec. 6. (a) Each occupational training school shall provide adequate security for the protection of its gaming equipment, chips, and tokens.

(b) The gaming equipment, chips, and tokens utilized by an occupational training school shall be used only for the purpose of training students.

(c) The occupational training school shall receive written approval from the executive director before the occupational training school sells or disposes of any gaming equipment, chips, or tokens utilized by the occupational training school.

(d) The occupational training school shall report, in writing, to the executive director, any thefts, removal, or loss of any gaming equipment, chips, and tokens utilized by the occupational training school within five (5) days of the theft, removal, or loss

of the equipment. (*Indiana Gaming Commission; 68 IAC 2-5-6; filed Nov 10, 1994, 11:00 a.m.: 18 IR 505; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-5-7 Requirement that instructors obtain occupational license

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-9; IC 4-33-8-10

Sec. 7. The instructors hired by an occupational training school shall obtain an occupational license, Level 3 under 68 IAC 2-3-1. (*Indiana Gaming Commission; 68 IAC 2-5-7; filed Nov 10, 1994, 11:00 a.m.: 18 IR 506; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

Rule 6. Electronic Gaming Device Rules

68 IAC 2-6-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-5

Affected: IC 4-33

Sec. 1. (a) This rule applies to riverboat licensees.

(b) All electronic gaming devices used on a riverboat must meet the specifications set forth in this rule.

(c) The following definitions apply throughout this rule:

(1) "Commission agent" means one (1) of the members of the Indiana state police department who is assigned to work with the commission's gaming enforcement section and who is on duty.

(2) "Inappropriate token-in" means a token which has been accepted by an electronic gaming device after the electronic gaming device has already accepted the maximum number of tokens or when the electronic gaming device is in a state which normally rejects additional tokens.

(3) "Leakage current" means an electrical current which flows when a conductive path is provided between exposed portions of an electronic gaming device and the environmental electrical ground when the electronic gaming device is isolated from the normal AC power ground.

(4) "Par sheet" means a document, provided by the electronic gaming device manufacturer, which depicts the possible outcomes from the play of an electronic gaming device, the probability of occurrence of each, and the contribution of each winning outcome to the payback percentage of the electronic gaming device.

(5) "RAM" or "random access memory" means the electronic component used for computer work space and storage of volatile information in an electronic gaming device.

(6) "Randomness" means the unpredictability and absence of pattern in the outcome of an event or sequence of events.

(7) "Random number generator" means hardware, software, or combination of hardware and software devices for generating number values that exhibit characteristics of randomness.

(8) "ROM" or "read only memory" means the electronic component used for storage of nonvolatile information in an electronic gaming device, including programmable ROM and erasable programmable ROM.

(9) "Runs test" means a mathematical statistic that determines the existence of recurring patterns within a set of data.

(10) "Sensitive keys" means keys that either management or the commission considers sensitive to the riverboat licensee's operation and therefore require strict control over custody and issuance in accordance with 68 IAC 11-7.

(11) "Standard chi-squared analysis" means the sum of the squares of the difference between the expected result and the observed result.

(12) "Tilt condition" means a programmed error state for an electronic gaming device which occurs when the electronic gaming device detects an internal error, malfunction, or attempted cheating. The electronic gaming device ceases processing further input, output, or display information other than that indicating the tilt condition itself.

(d) Before an individual may enter an electronic gaming device for any reason, the individual must insert a card into the electronic gaming device that will record, at a minimum, the following information on the central computer system:

(1) The identity of the individual entering the electronic gaming device.

(2) The date and time that the electronic gaming device is entered.

(3) The date and time that the electronic gaming device is exited.

(4) The identity of the electronic gaming device that is entered.

(e) After an individual has entered an electronic gaming device for any reason, the individual must complete a log that is maintained inside the electronic gaming device. The log shall contain, at a minimum, the following information:

(1) The name and occupational license number of the individual entering the electronic gaming device.

(2) The date and time that the electronic gaming device is entered.

(3) The date and time that the electronic gaming device is exited.

(4) The identity of the electronic gaming device.

(5) The reason for the entry.

(f) A riverboat licensee may not offer a prize to a patron who achieves a certain winning combination on an electronic gaming device unless the value of the prize is computed into the payout percentage of the EPROM installed in the electronic gaming device. (*Indiana Gaming Commission; 68 IAC 2-6-1; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1300; filed Aug 20, 1997, 7:11 a.m.: 21 IR 11; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-2 Equipment licensure and approval

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-5

Affected: IC 4-33

Sec. 2. (a) All electronic or mechanical gambling games must be licensed by the commission prior to use.

(b) The following may not be used for gaming by any riverboat licensee without prior written approval of the executive director:

(1) Bill acceptors or bill validators.

(2) Token acceptors.

(3) Progressive controllers.

(4) Signs.

(5) Associated gaming equipment as provided for in 68 IAC 2-7.

(c) The licensure must describe with particularity the equipment or device approved.

(d) The approval must describe with particularity the equipment or device approved. (*Indiana Gaming Commission; 68 IAC 2-6-2; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1301; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-3 Testing

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-5

Affected: IC 4-33-4-5

Sec. 3. (a) The following must be tested prior to licensure or approval for use:

(1) All electronic gaming devices.

(2) Any other device or equipment as the executive director may deem necessary to ensure compliance with the Act and this title.

(b) The executive director may take the following actions:

(1) Employ the services of an outside independent gaming test laboratory to conduct the testing.

(2) Bill those riverboat licensees requesting licensure or approval of the devices or equipment through any billing mechanism the executive director deems appropriate.

(c) Licensure or approval shall not be issued unless payment for all costs of testing is current.

(d) Licensure, approval, or the denial thereof, of electronic gaming devices, any other device, or equipment will be issued in accordance with IC 4-33-4-5. (*Indiana Gaming Commission; 68 IAC 2-6-3; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1301; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-4 Appeal of test results

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) An applicant who is served with a notice of denial under this rule may request a hearing under 68 IAC 7-1.

(b) If the applicant does not request a hearing within ten (10) days after service of notice of denial as provided in 68 IAC 7-1-2(b), the notice of denial becomes the final order of the commission. (*Indiana Gaming Commission; 68 IAC 2-6-4; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1301; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-5 Security and audit specifications

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. Electronic gaming devices must meet the following security and audit specifications:

- (1) Be controlled by a microprocessor.
- (2) Be connected and communicating to the central computer system.
- (3) Have an internal enclosure for the circuit board which is locked or sealed, or both, prior to game play.
- (4) Be able to continue a game with no loss of data after a power failure.
- (5) Have game data recall for the current game and the previous four (4) games.
- (6) Have a random selection process that satisfies the ninety-nine percent (99%) confidence level using the following tests:
 - (A) Standard chi-squared.
 - (B) Runs.
 - (C) Serial correlation.

These tests must not be predictable by players.

- (7) Clearly display applicable rules of play and the payout schedule.
- (8) Display an accurate representation of each game outcome utilizing:
 - (A) rotating reels;
 - (B) video monitors; or
 - (C) any other type of display mechanism that accurately depicts the outcome of the game.
- (9) Display an external registration tag and number issued by the commission.
- (10) The par sheet for the program utilized in an electronic gaming device must be stored in the electronic gaming device.

(*Indiana Gaming Commission; 68 IAC 2-6-5; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1301; filed Aug 20, 1997, 7:11 a.m.: 21 IR 12; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-6 Electronic gaming device inventory requirements; conversion notification

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 6. (a) The riverboat licensee must maintain an inventory of electronic gaming devices and equipment. The inventory must include the following:

- (1) The serial number assigned to the electronic gaming device by the manufacturer.
- (2) The registration number issued by the commission.
- (3) The type of game the electronic gaming device is designed and used for.
- (4) The denomination of tokens accepted by each electronic gaming device.
- (5) The location of electronic gaming devices equipped with bill validators and any bill validators that stand alone.
- (6) The manufacturer of the electronic gaming device.
- (7) The location of the electronic gaming device.

(b) This inventory report must be submitted, on a form prescribed by the commission, to the executive director on the anniversary date of the issuance of the riverboat owner's license.

(c) If a riverboat licensee converts an electronic gaming device, the riverboat licensee must take the following steps:

- (1) Request permission for the conversion from the commission and supply the commission with the following information:
 - (A) The serial number of the electronic gaming device that is being converted.
 - (B) The commission registration number of the electronic gaming device that is being converted.
 - (C) The machine number of the electronic gaming device that is being converted.

- (D) The model number of the electronic gaming device that is being converted.
- (E) The type of electronic gaming device that is being converted and the new type of machine if the type of machine is changed.
- (F) The location of the electronic gaming device on the riverboat.
- (G) If the electronic gaming device is a stand alone progressive or is linked to a progressive controller, the old rate of progression and the new rate of progression must be submitted.
- (H) The current and future denomination of the electronic gaming device if the denomination is to be converted.
- (I) The current and future EPROM number that is installed or that is to be installed in the electronic gaming device. If a new EPROM is installed in an electronic gaming device, the EPROM must be one that is approved for use in Indiana.
- (J) Regular fill amount.
- (K) Initial fill amount.
- (L) Probe level measured from the top of the hopper.
- (M) Any other information deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

This information must be submitted to the commission at least fourteen (14) days before the riverboat licensee plans to make the conversion. The request for conversion shall have a space for the commission to sign indicating approval of the conversion request and a space for the signature of the commission agent to indicate the conversion was completed.

- (2) The commission must approve the request for conversions before a conversion may be made by the riverboat licensee.
- (3) A commission agent must KOBETRON the EPROMS to ensure that the EPROMS being installed match those on the request for conversion.
- (4) A commission agent must seal the EPROM with tape in accordance with section 19 of this rule.
- (5) In the presence of a commission agent, a slot technician or the equivalent shall ensure that the payglass installed on the electronic gaming device accurately reflects the payouts for the EPROM that has been installed in the electronic gaming device. The payglass test may be performed by either running the payout table test or by ensuring the payglass matches the approved diagram set forth in the payglass manual maintained by the commission.
- (6) The riverboat licensee shall ensure that a copy of the par sheet is placed in the electronic gaming device in accordance with section 5 of this rule.
- (7) The riverboat licensee shall perform a coin test to ensure that the electronic gaming device is communicating with the central computer system. If the electronic gaming device is not communicating with the central computer system, the electronic gaming device must be disabled.
- (8) The riverboat licensee must update the master list of electronic gaming devices after the conversion is complete. The riverboat licensee must provide the chief counsel for the commission and the sergeant of the Indiana state police department assigned to the riverboat with a copy of the updated master list within fourteen (14) days of the conversion.

(Indiana Gaming Commission; 68 IAC 2-6-6; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1302; filed Aug 20, 1997, 7:11 a.m.: 21 IR 12; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1064)

68 IAC 2-6-7 Tracking of device movement

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 7. (a) Movements on the riverboat must be made and recorded in accordance with 68 IAC 17-1.

(b) Movements onto or off the riverboat must be made and recorded in accordance with 68 IAC 17-1.

(c) Movements of electronic gaming devices into or out of this state must be made and recorded in accordance with 68 IAC 17-1. *(Indiana Gaming Commission; 68 IAC 2-6-7; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1302; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 2-6-8 Control program requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 8. (a) Electronic gaming device control programs must test themselves for possible corruption caused by failure of the program storage media.

(b) The test methodology must detect ninety-nine and ninety-nine one hundredths percent (99.99%) of all possible failures.

(c) The control program must allow for the electronic gaming device to be continually tested during game play.

(d) The control program must reside in the electronic gaming device which is contained in a storage medium not alterable through any use of the circuitry or programming of the electronic gaming device itself.

(e) The control program must check for the following:

(1) Corruption of RAM locations used for crucial electronic gaming device functions.

(2) Information relating to the current play and final outcome of the four (4) prior games.

(3) Random number generator outcome.

(4) Error states.

(f) The control RAM areas must be checked for corruption following game initiation, but prior to display of the game outcome to the player.

(g) Detection of corruption is a game malfunction that must result in a tilt condition which identifies the error and causes the electronic gaming device to cease further function.

(h) The control program must have the capacity to display a complete play history for the current game and the previous four (4) games.

(i) The control program must display an indication of the following:

(1) The game outcome or a representative equivalent.

(2) Bets placed.

(3) Credits or tokens paid.

(4) Credits or tokens cashed out.

(5) Any error conditions.

(6) Any other information deemed necessary by the commission to ensure compliance with the Act and this title.

(j) The control program must provide the means for on-demand display of the electronic meters via a key switch on the exterior of the electronic gaming device. (*Indiana Gaming Commission; 68 IAC 2-6-8; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1302; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-9 Accounting meters

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 9. (a) An electronic gaming device must be equipped with both electronic and electromechanical meters.

(b) The electronic gaming device's electromechanical meters must have at least six (6) digits.

(c) The electronic gaming device must tally totals to eight (8) digits and be capable of rolling over when the maximum value is reached.

(d) The electronic gaming device's control program must provide the means for on-demand display of the electronic meters via a key switch on the exterior of the machine.

(e) The required electromechanical meters are as follows:

(1) The tokens-in meter must cumulatively count the number of tokens that are wagered by actual tokens inserted or credits bet.

(2) The tokens-out meter must cumulatively count the number of tokens that are paid by the hopper or credits that are bet.

(3) The tokens-dropped meter must maintain a cumulative count of the number of tokens that have been diverted into a drop bucket and credit value of all bills inserted into the bill validator for play.

(4) The jackpots-paid meter must reflect the cumulative amounts paid by an attendant for progressive and nonprogressive jackpots.

(f) Electronic meters must have an accuracy rate of ninety-nine and ninety-nine one hundredths percent (99.99%) or better.

(g) Electromechanical meters must meet a reasonable level of accuracy, given the available technology, as approved by the executive director after consultation with an outside independent gaming test laboratory.

(h) The required electronic meters are as follows:

- (1) The tokens-in meter must cumulatively count the number of tokens that are wagered by actual tokens inserted or credits bet, or both.
 - (2) The tokens-out meter must cumulatively count the number of tokens that are paid by the hopper or credits that are bet, or both.
 - (3) The tokens-dropped meter must cumulatively count the number of tokens that have been diverted into a drop bucket and the credit value of all bills inserted into the bill validator for play.
 - (4) The jackpots-paid meter must reflect the cumulative amounts paid by an attendant for progressive jackpots and nonprogressive jackpots.
 - (5) The games-played meter must display the cumulative number of games played.
 - (6) A cabinet door meter must display the number of times the front cabinet door was opened.
 - (7) The drop door meter must display the number of times the drop door or the bill validator door was opened.
 - (i) If the electronic gaming device is equipped with a bill validator, the device must be equipped with a bill validator meter that records the following:
 - (1) The total number of bills that were accepted.
 - (2) A breakdown of the number of each denomination of bill accepted.
 - (3) The total dollar amount of bills accepted.
 - (j) Electronic gaming devices must be designed so that replacement of parts or modules required for normal maintenance does not require replacement of the electromechanical meters.
 - (k) Electronic gaming devices must have meters which continuously display the following information relating to the current play or monetary transaction:
 - (1) The number of tokens or credits wagered in the current game.
 - (2) The number of tokens or credits won in the current game, if applicable.
 - (3) The number of tokens paid by the hopper for a credit cash out or a direct pay from a winning outcome.
 - (4) The number of credits available for wagering, if applicable.
- (l) Electronically stored meter information required by this section must be preserved after a power loss to the electronic gaming device and must be maintained for a period of at least one hundred eighty (180) days. (*Indiana Gaming Commission; 68 IAC 2-6-9; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1303; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-10 Clearing meters

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

- Sec. 10. (a) No electronic gaming device may have a mechanism that causes the electronic accounting meters to clear automatically when an error occurs.
- (b) Clearing of the electronic accounting meters may be done by approval of the executive director or his designee.
 - (c) Meter readings must be recorded before and after the electronic accounting meter is cleared. (*Indiana Gaming Commission; 68 IAC 2-6-10; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1304; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-11 Randomness events; randomness testing

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

- Sec. 11. (a) Events in electronic gaming devices are occurrences of elements or particular combinations of elements which are available on the particular electronic gaming device.
- (b) A random event has a given set of possible outcomes which has a given probability of occurrence called the distribution.
 - (c) Two (2) events are called independent if the following conditions exist:
 - (1) The outcome of one (1) event has no influence on the outcome of the other event.
 - (2) The outcome of one (1) event does not affect the distribution of another event.
 - (d) An electronic gaming device must be equipped with a random number generator to make the selection process. A selection process is considered random if the following specifications are met:

- (1) The random number generator satisfies at least ninety-nine percent (99%) confidence level using the standard chi-squared analysis.
- (2) The random number generator does not produce a statistic with regard to producing patterns of occurrences. Each reel position is considered random if it meets at least the ninety-nine percent (99%) confidence level with regard to the runs test or any similar pattern testing statistic.
- (3) The random number generator produces numbers which are independently chosen without regard to any other symbol produced during that play. This test is the correlation test. Each pair of reels is considered random if they meet at least the ninety-nine percent (99%) confidence level using standard correlation analysis.
- (4) Produces numbers which are chosen without reference to the series of outcomes in the previous game. This test is the serial correlation test. A reel stop position is considered random if it meets at least the ninety-nine percent (99%) confidence level using standard serial correlation analysis.
- (5) The random number generator and random selection process must be impervious to influences from outside the electronic gaming device, including, but not limited to, the following:
 - (A) Electromagnetic interference.
 - (B) Electrostatic interference.
 - (C) Radio frequency interference.
- (6) An electronic gaming device must use appropriate communication protocols to protect the random number generator and random selection process from influence by associated equipment which is conducting data communications with the electronic gaming device.

(Indiana Gaming Commission; 68 IAC 2-6-11; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1304; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 2-6-12 Safety requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

- Sec. 12. (a) Electrical and mechanical parts and design principles must not subject a player to physical hazards.
- (b) Spilling a conductive liquid on the electronic gaming device must not create a safety hazard or alter the integrity of the electronic gaming device's performance.
- (c) The power supply used in an electronic gaming device must be designed to make minimum leakage of current in the event of an intentional or inadvertent disconnection of the alternate current power ground.
- (d) Electronic gaming devices must be underwriter's laboratories approved or equivalent by January 1, 1997. *(Indiana Gaming Commission; 68 IAC 2-6-12; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1304; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 2-6-13 Surge protector

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

- Sec. 13. (a) A surge protector must be installed on each electronic gaming device.
- (b) Surge protection can be internal to the power supply or external.
- (c) A battery backup device must be installed and capable of maintaining accuracy of required electronic meter information after power is discontinued from the electronic gaming device. The device must be kept within the locked or sealed logic board compartment and be capable of sustaining the stored information for ninety (90) days. *(Indiana Gaming Commission; 68 IAC 2-6-13; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1304; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 2-6-14 On and off switch

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

- Sec. 14. An on and off switch that controls the electrical current used to operate the electronic gaming device must be located

in an accessible place and within the interior of the electronic gaming device. (*Indiana Gaming Commission; 68 IAC 2-6-14; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1305; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-15 Token acceptors

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 15. (a) At least one (1) electronic token acceptor must be installed in each electronic gaming device.

(b) Acceptors must be approved by the executive director to indicate that they meet the requirements of this section.

(c) Token acceptors must be designed to accept designated tokens and to reject others.

(d) The token receiver on an electronic gaming device must be designed to prevent the use of cheating methods, including, but not limited to:

(1) Slugging.

(2) Stringing.

(3) Spooning.

(e) Tokens which are accepted but not credited to the current game must be returned to the player by activation of the hopper or credited toward the next play of the electronic gaming device. The electronic gaming device control program must be capable of handling rapidly fed tokens so that frequent occurrences of this type are prevented.

(f) Electronic gaming devices must use a token acceptor that accepts or rejects a token on the basis of:

(1) metal composition;

(2) mass;

(3) composite makeup; or

(4) equivalent security.

(g) Electronic gaming devices must have suitable detectors for determining the direction and speed of token travel in the receiver. If a token traveling at improper speed or direction is detected, the electronic gaming device must enter a tilt condition and display an error condition which requires attendant intervention to clear. (*Indiana Gaming Commission; 68 IAC 2-6-15; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1305; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-16 Bill validators

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 16. (a) Electronic gaming devices may have bill validators installed into which a patron may insert currency in exchange for an equal value of electronic gaming device credits. The patron shall be able to obtain an equal number of tokens for the amount of currency that was inserted into the bill validator.

(b) Bill validator may accept the following:

(1) One dollar (\$1) bills.

(2) Five dollar (\$5) bills.

(3) Ten dollar (\$10) bills.

(4) Twenty dollar (\$20) bills.

(5) Fifty dollar (\$50) bills.

(6) One hundred dollar (\$100) bills.

(c) The bill acceptors may be for any single denomination or combination of denominations.

(d) The bill validator shall be equipped with a bill validator drop box to collect the currency inserted into the bill validator.

The bill validator drop box shall meet the following requirements:

(1) Be housed in a locked compartment separate from any other compartment of the electronic gaming device.

(2) Be accessible by a key that will access only the bill validator drop box and no other area of the electronic gaming device.

(3) Have a slot opening through which currency can be inserted.

(4) Be identifiable to the electronic gaming device from which it was removed.

(5) Have a separate lock to access the contents of the bill validator drop box. This key shall not access any other area of the

electronic gaming device.

(e) The riverboat licensee shall maintain emergency bill validator drop boxes that meet the requirements set forth in subsection (d). The emergency bill validator drop boxes shall have the word "EMERGENCY" permanently imprinted thereon. Emergency bill validator drop boxes shall be maintained in a secured area. The riverboat licensee shall submit internal control procedures for the maintenance and utilization of the emergency bill validator drop boxes in accordance with 68 IAC 11. (*Indiana Gaming Commission; 68 IAC 2-6-16; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1305; errata filed Apr 23, 1996, 4:30 p.m.: 19 IR 2289; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-17 Automatic light alarm

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 17. (a) A light must be installed on the top of the electronic gaming device that automatically illuminates when the door to the electronic gaming device is opened or associated equipment that may affect the operation of the electronic gaming device is exposed.

(b) All bar-top electronic gaming devices must have a light alarm or an audio door alarm, or both, installed. The alarm must be designed to activate when the machine is entered. (*Indiana Gaming Commission; 68 IAC 2-6-17; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1305; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-18 Access to interior

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 18. (a) The internal space of an electronic gaming device must not be readily accessible when the door is closed.

(b) The following must be in a separate locked or sealed area within the electronic gaming device:

- (1) Logic boards.
- (2) ROM.
- (3) RAM.

(c) No access to the area described in subsection (b) is allowed without prior notification to the executive director or the executive director's designee.

(d) The executive director or the executive director's designee must be allowed immediate access to the locked or sealed area. A riverboat licensee must maintain its copies of the keys to electronic gaming devices in accordance with 68 IAC 11-7. A riverboat licensee must give the executive director a master key to the door of an approved electronic gaming device. Unauthorized tampering or entrance into the logic area without prior notification in accordance with subsection (b) is grounds for disciplinary action under 68 IAC 13. (*Indiana Gaming Commission; 68 IAC 2-6-18; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1306; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-19 Tape sealed areas

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 19. Electronic gaming devices must have logic boards and any computer chips that store memory in a locked area within the electronic gaming device that is sealed with evidence tape. The evidence tape must be affixed by a commission agent and must include the date, signature, and identification number of the commission agent. This tape may only be removed by a commission agent. (*Indiana Gaming Commission; 68 IAC 2-6-19; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1306; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-20 Hardware switches

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 20. (a) No hardware switches may be installed which alter the pay tables or payout percentages in the operation of an electronic gaming device.

(b) Hardware switches may be installed to control the following:

(1) Graphic routines.

(2) Speed of play.

(3) Sound.

(4) Other approved cosmetic play features.

(Indiana Gaming Commission; 68 IAC 2-6-20; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1306; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 2-6-21 Display of rules of play

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 21. (a) The rules of play for an electronic gaming device must be displayed on the face or screen of the electronic gaming device.

(b) Rules of play must have been approved by the executive director.

(c) The executive director may reject the rules if they are:

(1) incomplete;

(2) confusing; or

(3) misleading.

(d) Rules of play must be kept under glass or another transparent substance.

(e) Rules of play may not be altered without prior approval from the executive director.

(f) Stickers or other removable devices may not be placed on the electronic gaming device face unless their placement is approved or required by the executive director. *(Indiana Gaming Commission; 68 IAC 2-6-21; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1306; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 2-6-22 Authorized games

Authority: IC 4-33-2-9; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 22. A riverboat licensee shall not permit any game to be played other than those specifically named in the Act and approved by the commission. For each game, the riverboat licensee shall provide a set of game rules to the executive director one hundred twenty (120) days in advance of the game's operation or within a shorter time period as the executive director may designate. *(Indiana Gaming Commission; 68 IAC 2-6-22; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1306; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 2-6-23 Electrostatic discharges

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 23. The following must not subject the player to physical hazards:

(1) Electrical parts.

(2) Mechanical parts.

(3) Design principles of the electronic gaming device and its component parts.

(Indiana Gaming Commission; 68 IAC 2-6-23; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1306; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 2-6-24 Power supply filter

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 24. Electronic gaming device power supply filtering must be sufficient to prevent disruption of the electronic gaming device by a repeated switching on and off of the AC power. (*Indiana Gaming Commission; 68 IAC 2-6-24; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1307; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-25 Error conditions; automatic clearing

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 25. (a) Electronic gaming devices must be capable of detecting and displaying the following conditions:

- (1) Power reset.
- (2) Door open.
- (3) Inappropriate token-in if the token is not automatically returned to the player.

(b) The conditions listed in subsection (a) must be automatically cleared by the electronic gaming device upon initiation of a new play sequence. (*Indiana Gaming Commission; 68 IAC 2-6-25; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1307; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-26 Error conditions; clearing by attendant

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 26. (a) Electronic gaming devices must be capable of detecting and displaying the following error conditions which an attendant may clear:

- (1) Token-in jam.
- (2) Token-out jam.
- (3) Hopper empty or timed-out.
- (4) RAM error.
- (5) Hopper runaway or extra token paid out.
- (6) Program error.
- (7) Reverse token-in.
- (8) Reel spin error of any type, including a mis-index condition for rotating reels. The specific reel number must be identified in the error indicator.
- (9) Low RAM battery, for batteries external to the RAM itself, or low power source.

(b) A description of electronic gaming device error codes and their meanings must be affixed inside the electronic gaming device. (*Indiana Gaming Commission; 68 IAC 2-6-26; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1307; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-27 Hopper mechanism

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 27. (a) Electronic gaming devices must be equipped with a hopper which is designed to detect the following and force the electronic gaming device into a tilt condition if one (1) of the following occurs:

- (1) Jammed tokens.
- (2) Extra tokens paid out.
- (3) Hopper runaways.
- (4) Hopper empty conditions.

(b) The electronic gaming device control program must monitor the hopper mechanism for these error conditions in all game states in accordance with section 11 of this rule.

(c) All tokens paid from the hopper mechanism must be accounted for by the electronic gaming device including those paid as extra tokens during a hopper malfunction.

(d) Hopper pay limits must be designed to permit compliance by riverboat licensees with all applicable taxation laws, rules, and regulations. (*Indiana Gaming Commission; 68 IAC 2-6-27; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1307; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-28 Communication protocol

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 28. An electronic gaming device which is capable of a bidirectional communication with internal or external associated equipment must use a communication protocol which ensures that erroneous data or signals will not adversely affect the operation of the electronic gaming device. (*Indiana Gaming Commission; 68 IAC 2-6-28; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1307; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-29 Software requirements for percentage payout

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 29. The electronic gaming device must meet the following maximum and minimum theoretical percentage payouts during the expected lifetime of the electronic gaming device:

(1) The electronic gaming device must pay out at least eighty percent (80%) and not more than one hundred percent (100%) of the amount wagered unless otherwise approved by the executive director.

(2) The theoretical payout percentage must be determined using standard methods of the probability theory. The percentage must be calculated using the highest level of skill where player skill impacts the payback percentage.

(3) An electronic gaming device must have a probability of obtaining the maximum payout greater than one (1) in fifty million (50,000,000).

(*Indiana Gaming Commission; 68 IAC 2-6-29; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1307; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-30 Software requirements for continuation of game after malfunction

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 30. An electronic gaming device must be capable of continuing the current play with all the current play features after an electronic gaming device malfunction is cleared. (*Indiana Gaming Commission; 68 IAC 2-6-30; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1308; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-30.1 Integrity of electronic gaming device

Authority: IC 4-33-4-1; IC 4-33-4-2

Affected: IC 4-33-8

Sec. 30.1. (a) If the integrity of any electronic gaming device has been legitimately questioned, the riverboat licensee shall run the appropriate diagnostic tests on the device. If the riverboat licensee determines that the device is malfunctioning, the riverboat licensee shall remove the device from play until the device has been repaired and it has been determined that the device meets the requirements of the Act and this title.

(b) The riverboat licensee shall record the following information with respect to an electronic gaming device that has been removed from play:

- (1) The date and time that the integrity of an electronic gaming device was questioned.
- (2) The type of device that was questioned.
- (3) The serial number issued by the manufacturer and the registration number issued by the commission.
- (4) The length of time that the device was removed from play.
- (5) The reason that the device was not functioning properly.
- (6) The remedial action taken to ensure that the device conforms to the requirements of the Act and this title and the date on which the action was taken.
- (7) The printed name, signature, and occupational license number of all employees taking the remedial action.
- (8) If an outside company takes remedial action on the device, the following information must be maintained:
 - (A) The name of the company.
 - (B) The address of the company.
 - (C) The telephone number of the company.
 - (D) The names of any individuals who performed remedial action on the device.
- (9) A verification that the device meets the requirements of the Act and this title after the remedial action was taken.
- (10) The name, address, and telephone number of the individual who complained about the device and the nature of the complaint.

The riverboat licensee must notify the commission agent, in writing, of each electronic gaming device that has been removed from play.

(c) The records described in subsection (b) shall be maintained by the riverboat licensee for a period of one (1) year and shall be available for commission review upon request. (*Indiana Gaming Commission; 68 IAC 2-6-30.1; filed Jun 1, 1998, 3:38 p.m.: 21 IR 3711; errata filed Aug 12, 1998, 4:00 p.m.: 22 IR 125; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-31 Authorization for progressive electronic gaming devices

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 31. (a) This section authorizes the use of progressive electronic gaming devices within one (1) riverboat provided that the electronic gaming devices meet the requirements stated in sections 1 through 30 and 46 of this rule and any additional requirements imposed by sections 32 through 42 of this rule.

(b) The riverboat licensee shall notify the executive director and the commission agent of the following information prior to the utilization of progressive electronic gaming devices within the riverboat:

- (1) The serial numbers of the electronic gaming devices that are common to a single progressive link.
- (2) The commission registration number of the electronic gaming devices that are common to a single progressive link.
- (3) The odds of hitting the progressive amount on each of the electronic gaming devices that is attached to that link.
- (4) The reset value of the progressive link.
- (5) The rate of progression for that progressive link.
- (6) How the rate of progression is split between the various progressive components.
- (7) Any other information deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(c) Wide area progressive games that link electronic gaming devices located on more than one (1) riverboat must be approved by the executive director and the commission on a case-by-case basis. (*Indiana Gaming Commission; 68 IAC 2-6-31; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1308; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-32 Progressive electronic gaming devices defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 32. (a) A progressive electronic gaming device is an electronic gaming device with a payoff that increases uniformly as the electronic gaming device is played.

(b) A progressive jackpot may be won where a certain preestablished criteria, which does not have to be a winning

combination, is satisfied.

(c) A bonus game where certain circumstances are required to be satisfied prior to awarding of a fixed bonus prize is not a progressive electronic gaming device and is not subject to this section and sections 33 through 42 of this rule. (*Indiana Gaming Commission; 68 IAC 2-6-32; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1308; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-33 Transferring of progressive jackpot which is in play

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 33. (a) A progressive jackpot which is currently in play may be transferred to another progressive electronic gaming device on the riverboat in the event of:

- (1) electronic gaming device malfunction;
- (2) electronic gaming device replacement; and
- (3) other good reason deemed appropriate by the executive director or the commission to ensure compliance with the Act and this title.

(b) If the events set forth in subsection (a) do not occur, the progressive award must be permitted to remain until it is won by a player or transfer is approved by the executive director. (*Indiana Gaming Commission; 68 IAC 2-6-33; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1308; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-34 Recording, keeping, and reconciliation of jackpot amount

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 34. (a) The riverboat licensee must maintain a record of the amount shown on a progressive jackpot meter.

(b) Supporting documents must be maintained to explain any reduction in the payoff amount from a previous entry.

(c) The records and documents must be retained for a period of five (5) years unless otherwise provided by the executive director in writing. (*Indiana Gaming Commission; 68 IAC 2-6-34; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1308; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-35 The progressive meter

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 35. The electronic gaming device must be linked to a progressive meter or meters showing the current payoff to all players who are playing an electronic gaming device which may potentially win the progressive amount. (*Indiana Gaming Commission; 68 IAC 2-6-35; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1309; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-36 Consistent odds on linked machines

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 36. Unless permitted by the executive director, in writing, when more than one (1) progressive electronic gaming device is linked together, each electronic gaming device on the link must have the same probability of hitting the combination that will award the progressive jackpot or jackpots. (*Indiana Gaming Commission; 68 IAC 2-6-36; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1309; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-37 Operation of progressive controller-normal mode

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 37. (a) During the normal operating mode of the progressive controller, the controller must do the following:

- (1) Continuously monitor each electronic gaming device attached to the controller to detect inserted tokens or credits wagered.
- (2) Multiply the accepted tokens by the programmed rate of progression and denomination in order to determine the correct amounts to apply to the progressive jackpot.

(b) The progressive display must be constantly updated as play on the link is continued. It will be acceptable to have a slight delay in the update as long as when a jackpot is triggered the jackpot amount is shown immediately.

(c) At least one (1) progressive display to which a group of progressive electronic gaming devices is linked must continuously display the amount of the progressive jackpot that a patron may win. (*Indiana Gaming Commission; 68 IAC 2-6-37; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1309; errata filed Aug 9, 1996, 10:00 a.m.: 20 IR 21; filed Mar 21, 1997, 10:00 a.m.: 20 IR 2091; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-38 Operation of progressive controller-jackpot mode

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 38. (a) When a progressive jackpot is recorded on an electronic gaming device which is attached to the progressive controller, the progressive controller must allow for the following:

- (1) The displaying of the winning amount.
- (2) The displaying of the electronic gaming device identification that caused the progressive meter to activate if more than one (1) electronic gaming device is attached to the controller.

(b) The progressive controller is required to send to the electronic gaming device the amount that was won. The electronic gaming device is required to update its electronic meters to reflect the winning jackpot amount consistent with this rule.

(c) When more than one (1) progressive electronic gaming device is linked to the progressive controller, the progressive controller shall automatically reset to the reset amount and continue normal play. During this time, the progressive meter or another attached approved device must display the following information:

- (1) The identity of the electronic gaming device that caused the progressive meter to activate.
- (2) The winning progressive amount.
- (3) The new normal mode amount that is current on the link.

(*Indiana Gaming Commission; 68 IAC 2-6-38; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1309; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-39 Alternating displays

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 39. When this rule prescribes multiple items of information to be displayed on a progressive meter, it is sufficient to have the information displayed in an alternating fashion. (*Indiana Gaming Commission; 68 IAC 2-6-39; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1309; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-40 Security of progressive controller

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 40. (a) Each progressive controller linking two (2) or more progressive electronic gaming devices must be housed in a double keyed compartment in a location approved by the executive director. All keys must be maintained in accordance with 68 IAC 11-7.

(b) The executive director or the executive director's designee must be in possession of one (1) of the keys.

(c) A list of the occupational licensees having access to a progressive controller must be submitted to the executive director and updated continually.

(d) A progressive controller entry authorization log must be maintained within each controller. The log shall be on a form

prescribed by the commission and completed by an individual gaining entrance to the controller.

(e) Security restrictions must be submitted in writing to the executive director for approval at least sixty (60) days before their enforcement. All restrictions approved by the executive director will be made on a case-by-case basis in the case of a stand-alone progressive where the controller is housed in the logic area. (*Indiana Gaming Commission; 68 IAC 2-6-40; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1309; errata filed Apr 23, 1996, 4:30 p.m.: 19 IR 2289; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-41 Progressive controller; metering information

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 41. The progressive controller must keep the following information in nonvolatile memory which shall be displayed upon demand:

- (1) The number of progressive jackpots won on each progressive level if the progressive display has more than one (1) winning amount.
- (2) The cumulative amounts paid on each progressive level if the progressive display has more than one (1) winning amount.
- (3) The maximum amount of the progressive payout for each level displayed.
- (4) The minimum amount or reset amount of the progressive payout for each level displayed.
- (5) The rate of progression for each level displayed.

(*Indiana Gaming Commission; 68 IAC 2-6-41; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1310; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-42 Limits on jackpot of progressive electronic gaming devices

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 42. (a) A riverboat licensee may impose a limit on the jackpot of a progressive electronic gaming device if the limit imposed is greater than the possible maximum jackpot payout on the electronic gaming device at the time the limit is imposed.

(b) The riverboat licensee must inform the public with a prominently posted notice of progressive electronic gaming devices and their limits. (*Indiana Gaming Commission; 68 IAC 2-6-42; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1310; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-43 Electronic gaming devices tournaments

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 43. (a) Electronic gaming device tournaments may be conducted by the riverboat licensee.

(b) All tournament play must be on machines which have been tested and approved in accordance with the rules and for which the tournament feature has been enabled.

(c) All electronic gaming devices used in a single tournament shall utilize the same electronics and machine settings.

(d) Electronic gaming devices enabled for tournament play shall not accept tokens or pay out tokens. The electronic gaming devices must utilize credit points only.

(e) Tournament credits shall have no cash value.

(f) Tournament play may not be credited to electromechanical meters of the machine. (*Indiana Gaming Commission; 68 IAC 2-6-43; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1310; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-44 Qualification of players

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 44. (a) At the riverboat licensee's discretion, the riverboat licensee may establish qualification or selection criteria to limit

the eligibility of players in a tournament.

(b) Any criteria used must be reasonably related to gaming activity. (*Indiana Gaming Commission; 68 IAC 2-6-44; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1310; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-45 Rules of tournament play

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 45. (a) The riverboat licensee shall submit rules of tournament play to the executive director at least thirty (30) days in advance of the commencement of the tournament or within a shorter time period as the executive director may designate. The rules of play shall include, but not be limited to, the following:

- (1) The amount of points, credits, and playing time players will begin with.
- (2) The manner in which players will receive electronic gaming device assignments and how reassignments are to be handled.
- (3) How players are eliminated from the tournament and how the winner or winners are to be determined.
- (4) The number of electronic gaming devices each player will be allowed to play.
- (5) The amount of entry fee for participating in the tournament.
- (6) The number of prizes to be awarded.
- (7) An exact description of each prize to be awarded.
- (8) Any additional house rules governing play of the tournament.
- (9) Any rules deemed necessary by the executive director to ensure compliance with the Act and this title.

(b) The executive director shall approve the rules, in writing, within thirty (30) days of the receipt of the rules.

(c) A riverboat licensee shall not permit any tournament to be played unless the rules of tournament play have been approved by the executive director.

(d) Once rules of tournament play have been approved by the executive director, the riverboat licensee may offer a tournament utilizing the approved rules at any time. Amendments to approved rules of tournament play shall be submitted to the executive director at least thirty (30) days prior to the utilization of the amendments or within a shorter time frame as the executive director may designate. The executive director shall approve amendments to rules of tournament play within thirty (30) days of receipt of the amendments. No amendments to rules of tournament play shall be utilized by the riverboat licensee until approved by the executive director.

(e) The rules of tournament play shall be provided to all tournament players and members of the public who request a copy of the rules. (*Indiana Gaming Commission; 68 IAC 2-6-45; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1310; errata filed Apr 23, 1996, 4:30 p.m.: 19 IR 2289; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-46 Commission licensure and approval

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-5

Affected: IC 4-33

Sec. 46. (a) A riverboat licensee shall not use electronic gaming devices unless the devices have been licensed by the commission. The riverboat licensee shall not conduct tournaments unless approval by the executive director has been obtained, in writing, in accordance with section 45 of this rule.

(b) The riverboat licensee must submit all proposals, in writing, at least sixty (60) days before commencing use of the electronic gaming device or commencing the tournament.

(c) The executive director shall issue a decision in writing.

(d) The riverboat licensee may appeal an adverse decision to licensure of an electronic gaming device pursuant to 68 IAC 7-1. An adverse decision to tournament approval is final after review by the commission in accordance with section 49 of this rule. (*Indiana Gaming Commission; 68 IAC 2-6-46; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1311; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-47 Violation of rule

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 47. If the commission determines that a licensee is not in compliance with this rule, the commission may initiate a disciplinary action under 68 IAC 13. (*Indiana Gaming Commission; 68 IAC 2-6-47; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1311; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-48 Waiver of requirements

Authority: IC 4-33-4-1; IC 4-33-4-2
Affected: IC 4-33

Sec. 48. The executive director or the commission may waive, restrict, or alter any requirement or procedure set forth in this rule if the executive director or the commission determines that the requirement or procedure is impractical or burdensome, and such waiver, restriction, or alteration is in the best interest of the public and the gaming industry, and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure. (*Indiana Gaming Commission; 68 IAC 2-6-48; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1311; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-6-49 Reports by the executive director

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33; IC 5-14-1.5-6.1

Sec. 49. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to this rule to the commission at the next meeting held under 68 IAC 2-1-5 or an executive session held under IC 5-14-1.5-6.1. (*Indiana Gaming Commission; 68 IAC 2-6-49; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1311; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

Rule 7. Associated Equipment

68 IAC 2-7-1 Approval of associated equipment required

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 1. (a) A manufacturer or distributor of associated equipment shall not distribute associated equipment to riverboat licensees unless it has been approved by the executive director.

(b) The commission may require the manufacturer or distributor of associated equipment to obtain a supplier's license under 68 IAC 2-2.

(c) The following definitions apply throughout this rule:

(1) "Associated equipment" means any of the following:

- (A) Any equipment, mechanical, electromechanical, or electronic contrivance, component, or machine used remotely or directly in connection with gaming.
- (B) Any game that would not otherwise be classified as a gaming device, including, but not limited to, links that connect to progressive electronic gaming devices.
- (C) Computerized systems that monitor electronic gaming devices.
- (D) Equipment that affects the proper reporting of gross revenue.
- (E) Devices for weighing and counting money.
- (F) Any other equipment that the commission determines requires approval as associated equipment to ensure compliance with the Act and this title.

(2) "Riverboat license applicant" means an applicant for a riverboat owner's license that has been issued a certificate of suitability under 68 IAC 2-1-5.

(Indiana Gaming Commission; 68 IAC 2-7-1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2654; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 2-7-2 Applications and procedure for approval of associated equipment

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) Applications for approval of associated equipment shall require that the manufacturer or distributor submit the following information on forms prescribed by the commission:

- (1) The name, business address, and business telephone number of the manufacturer or distributor.
- (2) The federal identification number, Indiana taxpayer identification number, or Social Security number of the manufacturer or distributor.
- (3) If the manufacturer or distributor is a business entity, the information set forth in subdivisions (1) and (2) must be provided for the business entity's key persons and substantial owners.
- (4) A list of the jurisdictions that have approved the associated equipment. A copy of the document of approval from each jurisdiction must be attached to the application.
- (5) Any additional information deemed necessary by the commission to enable a complete understanding of the operation and function of the associated equipment.

(b) If the executive director requires the manufacturer or distributor of associated equipment to submit the associated equipment to an independent lab, the manufacturer or distributor of the associated equipment shall provide the following information to the independent lab:

- (1) The information set forth in subsection (a).
- (2) A complete, comprehensive and technically accurate description and explanation of the associated equipment and its intended use in both technical and lay language. The document must be signed under penalty of perjury.
- (3) Detailed operating procedures of the associated equipment.
- (4) Details of all tests performed on the associated equipment, the conditions and standards under which the tests were performed, and the person that conducted the test.

(c) The independent lab shall provide the executive director with documentation regarding the following regarding the associated equipment:

- (1) Details of the tests performed on the associated equipment.
- (2) Results of the tests performed on the associated equipment.
- (3) Detailed operating procedures of the associated equipment.
- (4) Percentage calculations of the associated equipment.
- (5) Any other information deemed necessary by the executive director to ensure compliance with the Act and this title.

(d) If the manufacturer or distributor seeking approval of associated equipment holds a supplier's license issued by the commission, only that information specified in subsections (a)(4), (a)(5), (b)(2), (b)(3), and (b)(4) must be provided. *(Indiana Gaming Commission; 68 IAC 2-7-2; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2654; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 2-7-3 Evaluation of associated equipment

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) The executive director may require transportation of not more than two (2) working models of associated equipment to a designated lab for review and inspection. The lab may dismantle the associated equipment and may destroy the electronic components in order to fully evaluate the equipment.

(b) The executive director may:

- (1) require the manufacturer or distributor seeking approval of the associated equipment to provide specialized equipment or the services of an independent technical expert to evaluate the equipment; and
- (2) employ an outside lab to conduct the evaluation.

(c) The manufacturer or distributor seeking approval of the associated equipment must pay the cost of the evaluation. *(Indiana*

Gaming Commission; 68 IAC 2-7-3; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2655; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 2-7-4 Installation of associated equipment

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. A riverboat licensee shall not install or use associated equipment that has not been approved by the executive director after a determination has been made that the associated equipment complies with the technical standards set forth in this rule. *(Indiana Gaming Commission; 68 IAC 2-7-4; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2655; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 2-7-5 Issuance of approval of associated equipment

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. After the associated equipment is approved, the executive director shall advise the manufacturer and distributor, in writing, of the approval. *(Indiana Gaming Commission; 68 IAC 2-7-5; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2655; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 2-7-6 Alteration or revision of associated equipment

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 6. A riverboat licensee shall not alter the manner in which associated equipment operates or revise the associated equipment without prior written approval of the executive director. *(Indiana Gaming Commission; 68 IAC 2-7-6; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2655; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 2-7-7 Revocation of approval

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 7. (a) The executive director may revoke the approval of associated equipment if the executive director determines any of the following:

- (1) The associated equipment does not perform in the manner described in the application.
- (2) The associated equipment is defective or malfunctions frequently.
- (3) The associated equipment has a detrimental impact on the conduct of a riverboat gambling operation.
- (4) The associated equipment adversely affects computation of taxes for reasons including, but not limited to, the following:
 - (A) Inaccurate computation.
 - (B) Defects.
 - (C) Malfunctions.

(b) The executive director shall notify the manufacturer or distributor of the associated equipment of the revocation of approval, in writing, immediately. The executive director shall advise the manufacturer or distributor of the associated equipment the date on which the associated equipment shall cease to be used.

(c) The executive director shall notify the riverboat licensees or riverboat license applicants that utilize the associated equipment of the revocation of approval, in writing, immediately. The executive director shall advise the riverboat licensee or riverboat license applicant the date on which the riverboat licensee or riverboat license applicant shall cease to use the associated equipment.

(d) The riverboat licensee or riverboat license applicant shall cease utilizing the associated equipment for which approval has been revoked by the date established by the executive director in subsection (c). The riverboat licensee or riverboat license applicant shall notify the executive director, in writing, if it cannot cease utilization of the associated equipment by the established date, and

shall seek an extension of time. The executive director shall advise the riverboat licensee or riverboat license applicant, in writing, if the suggested time frame is not suitable.

(e) A disciplinary action may be initiated against a riverboat licensee or riverboat license applicant that continues to utilize associated equipment for which approval has been revoked unless an extension of time has been granted under subsection (d). (*Indiana Gaming Commission; 68 IAC 2-7-7; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2655; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-7-8 Notice of problems with associated equipment or revocation of approval

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 8. (a) The manufacturer or distributor of associated equipment shall notify the executive director, in writing, of any problems, defects, or malfunctions of any associated equipment that has been approved by the commission.

(b) The manufacturer or distributor of associated equipment shall advise the executive director, in writing, if the approval of any associated equipment approved by the commission has been revoked by any other gaming jurisdiction.

(c) Riverboat licensees or riverboat license applicants shall notify the executive director, in writing, of any problems, defects, or malfunctions of any associated equipment that has been approved by the commission and is utilized by the riverboat licensee or riverboat license applicant in the state of Indiana or any other jurisdiction.

(d) Riverboat licensees or riverboat license applicants shall notify the executive director, in writing, if the approval of associated equipment approved by the commission and utilized by the riverboat licensee or riverboat license applicant has been revoked by any other gaming jurisdiction. (*Indiana Gaming Commission; 68 IAC 2-7-8; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2655; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-7-9 Retention of records

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 9. (a) The manufacturer or distributor of associated equipment shall maintain the following records:

(1) All applications for approval of associated equipment submitted to the commission.

(2) Detailed operating procedures of the associated equipment.

(3) Approvals of associated equipment received from any gaming jurisdiction.

(4) A complete, comprehensive, and technically accurate description and explanation of the associated equipment and its intended use in both technical and lay language.

(5) Any alterations or revisions and the requisite approvals that have been conducted on associated equipment utilized by riverboat licensees or riverboat license applicants.

(6) The revocation of any approval for associated equipment issued by any gaming jurisdiction.

(7) Any documentation that indicates problems, defects, or malfunctions of the associated equipment.

(8) Details of any tests performed on the associated equipment by the manufacturer or distributor of the associated equipment.

(9) Any other records the executive director deems necessary to ensure compliance with the Act and this title.

(b) Riverboat licensees or riverboat license applicants shall maintain any records listed in subsection (a) that are in its possession. Riverboat licensees or riverboat license applicants must maintain, at a minimum, those records identified in subsection (a)(5) and (a)(7).

(c) All records required by this rule must be maintained by the manufacturer or distributor of the associated equipment, the riverboat licensee, or the riverboat license applicant for a period of five (5) years. (*Indiana Gaming Commission; 68 IAC 2-7-9; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2656; errata filed Aug 17, 1995, 1:30 p.m.: 19 IR 42; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-7-10 Request for hearing on notice of denial or revocation of approval

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 10. (a) The manufacturer or distributor of associated equipment who is served with a notice of denial or revocation of approval under this rule may request a hearing under 68 IAC 7.

(b) If the manufacturer or distributor of associated equipment does not request a hearing within ten (10) days of the receipt of the notice of denial or revocation of approval, the notice of denial or revocation of approval becomes the final order of the commission denying or revoking the approval for the associated equipment. (*Indiana Gaming Commission; 68 IAC 2-7-10; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2656; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-7-11 Waiver of requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 11. The executive director may waive, restrict, or alter any requirement or procedure set forth in this rule if the executive director determines that the requirement or procedure is impractical or burdensome, and such waiver, restriction, or alteration is in the best interest of the public and the gaming industry and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure. (*Indiana Gaming Commission; 68 IAC 2-7-11; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2656; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 2-7-12 Reports by the executive director

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33; IC 5-14-1.5-6.1

Sec. 12. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to associated equipment at the next meeting held under 68 IAC 2-1-5 or an executive session held under IC 5-14-1.5-6.1. The commission may direct the executive director to take additional or different action. (*Indiana Gaming Commission; 68 IAC 2-7-12; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2656; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

ARTICLE 3. MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Rule 1. General Provisions

68 IAC 3-1-1 Statement of policy; general provisions

Authority: IC 4-13-16.5; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-14-10
Affected: IC 4-33-4; IC 4-33-6; IC 4-33-9; IC 4-33-14-5

Sec. 1. (a) It is the policy of the commission to ensure the following:

(1) That riverboat licensees and riverboat license applicants conduct all aspects of their operation in compliance with IC 4-33-14-5.

(2) That riverboat licensees and riverboat license applicants establish such internal procedures and controls and provide such reports as the commission finds are necessary to ensure that these policies are effective at all levels of the riverboat gambling operations.

(b) The department of administration, minority business development shall perform certifications and compile a list of certified enterprises for the commission in accordance with section 3 of this rule. The department of administration, minority business development may assist the commission in determining compliance with the Act and this article. (*Indiana Gaming Commission; 68 IAC 3-1-1; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2248; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 3-1-2 Definitions applicable to article

Authority: IC 4-13-16.5; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-14-10
Affected: IC 4-33-4; IC 4-33-6; IC 4-33-9; IC 4-33-14

Sec. 2. The following definitions apply throughout this article:

- (1) "Broker" means an intermediary who negotiates contracts for goods and services.
 - (2) "Contract for goods or services, or both" means any consensual obligation, written or oral, executory or executed, between a riverboat licensee or a riverboat license applicant and another party related to the acquisition of, by lease, purchase, or other form, any goods or services. As used in this subdivision, "goods and services" does not include those items excluded from the term under IC 4-33-14-5(a).
 - (3) "Contracting representative" means a contractor or a subcontractor whose participation in the substance of the contract is equivalent to less than twenty percent (20%) of the value of the contract.
 - (4) "Contractor" means a person, other than a riverboat licensee or a riverboat license applicant, who is a party to a contract for goods or services with a riverboat licensee or a riverboat license applicant.
 - (5) "Minority" has the meaning set forth in IC 4-33-14-2.
 - (6) "Minority business enterprise" has the meaning set forth in IC 4-33-14-3.
 - (7) "Owned and controlled" means having all of the following:
 - (A) Ownership of at least fifty-one percent (51%) of the enterprise, including corporate stock of a corporation.
 - (B) Control over the management and active in the day-to-day operations of the business.
 - (C) An interest in the capital, assets, and profits and losses of the business proportionate to the percentage of ownership.
 - (8) "Participation plan" means a contractual obligation imposed by a riverboat licensee as part of its contract with a contractor which requires the contractor to perform the contract through the utilization of minority or women's business enterprises for a specified minimum percentage of the value of the contract.
 - (9) "Subcontractor" means one (1) of the following:
 - (A) A person with a contractual relationship with a contractor who requires the performance of activity that is directly traceable to fulfillment of the contractor's obligation to a riverboat licensee or riverboat license applicant.
 - (B) A person with a contractual relationship with a subcontractor that calls for performance of activity that is directly traceable through second tier subcontractors to fulfillment of a contractual obligation with a riverboat licensee or a riverboat license applicant.
- The term does not include a person who subcontracts a significant portion of the activity to the contractor, a higher-tier subcontractor, an affiliate of the contractor, or an affiliate of a higher-tier subcontractor.
- (10) "Women's business enterprise" has the meaning set forth in IC 4-33-14-4.

(Indiana Gaming Commission; 68 IAC 3-1-2; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2248; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 3-1-3 List

Authority: IC 4-13-16.5; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-14-10
Affected: IC 4-33-4; IC 4-33-6; IC 4-33-9; IC 4-33-14

Sec. 3. The department of administration, minority business development shall compile a list of the minority and women's business enterprises that are certified under this rule. The commission shall review the list annually to determine that the business enterprises continue to remain eligible for certification with the advice and assistance of the department of administration, minority business development. The list shall be made available to all riverboat licensees and riverboat license applicants. *(Indiana Gaming Commission; 68 IAC 3-1-3; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2249; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

Rule 2. Certification Process and Procedure

68 IAC 3-2-1 Certification

Authority: IC 4-13-16.5; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-14-10
Affected: IC 4-33-4; IC 4-33-6; IC 4-33-9; IC 4-33-14-4

Sec. 1. (a) The department of administration, minority business development shall certify that an enterprise is a minority business enterprise or a women's business enterprise, or both.

(b) To be certified, a minority or women's business enterprise must comply with all of the requirements of the department of administration, minority business development under IC 4-13-16.5, 25 IAC 2-20, the Act, and this title.

(c) When the procedures set forth in 25 IAC 2-20 are applicable to the commission under this rule, the term MBE as used in 25 IAC 2-20 shall incorporate a women's business enterprise as defined in IC 4-33-14-4. (*Indiana Gaming Commission; 68 IAC 3-2-1; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2249; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 3-2-2 Eligibility guidelines

Authority: IC 4-13-16.5; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-14-10

Affected: IC 4-33-4; IC 4-33-6; IC 4-33-9; IC 4-33-14-4

Sec. 2. (a) The guidelines for determining eligibility set forth in 25 IAC 2-20-3 shall be utilized by department of administration, minority business development to determine eligibility for the Act and this title.

(b) When the guidelines set forth in 25 IAC 2-10 are applicable to the commission under this rule, the term MBE as used in 25 IAC 2-20-3 shall incorporate a women's business enterprise as defined in IC 4-33-14-4. (*Indiana Gaming Commission; 68 IAC 3-2-2; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2249; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 3-2-3 Hearings

Authority: IC 4-13-16.5; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-14-10

Affected: IC 4-21.5-3-7; IC 4-33-4; IC 4-33-6; IC 4-33-9; IC 4-33-14

Sec. 3. A person who has been denied certification as a minority or women's business enterprise may request a hearing under IC 4-21.5-3-7 following the procedures established in 68 IAC 3-5. (*Indiana Gaming Commission; 68 IAC 3-2-3; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2249; filed Jan 30, 1998, 11:00 a.m.: 21 IR 2061; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 3. Compliance

68 IAC 3-3-1 Procedures for subcontractors and participation plans

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-14-10

Affected: IC 4-13-16.5; IC 4-33-4; IC 4-33-6; IC 4-33-9; IC 4-33-14-4; IC 4-33-14-5

Sec. 1. (a) With the exception of 25 IAC 2-20-4(a)(5), when a riverboat licensee or a riverboat license applicant enters into a contract or transaction for goods or services that utilizes a subcontractor or a participation plan, the procedure set forth in 25 IAC 2-20-4 shall be utilized by the commission to determine whether or not a portion of the contract or transaction value shall be counted toward the goals established in IC 4-33-14-5. The commission may request that the department of administration, minority business development assist the commission in determining that the riverboat licensee or riverboat license applicant complies with IC 4-33-14 and this title.

(b) When the term MBE is used in 25 IAC 2-20-4, it shall incorporate a women's business enterprise as defined in IC 4-33-14-4. (*Indiana Gaming Commission; 68 IAC 3-3-1; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3035; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 3-3-2 Effect of certification

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-14-10

Affected: IC 4-13-16.5; IC 4-33-4; IC 4-33-6; IC 4-33-9; IC 4-33-14-5

Sec. 2. (a) Except as provided in subsection (c), a certification issued under this article may be relied upon by a riverboat licensee or a riverboat license applicant to establish the eligibility of the certified enterprise to be considered as a minority or women's business enterprise for the purpose of attaining the riverboat licensee's goals determined under IC 4-33-14-5.

(b) A riverboat licensee or riverboat license applicant shall advise the executive director, in writing, if it becomes aware that one (1) or more of the following situations exist:

(1) That a certified minority or women's business enterprise is not qualified as such under the Act, this rule, IC 4-13-16.5, or 25 IAC 2-20-3.

(2) That the minority or women's business enterprise submitted false or misleading information to support its application for

certification.

(3) That the participation of the certified minority or women's business enterprise in any transaction is without economic substance.

(c) A riverboat licensee or riverboat license applicant may not rely upon a certification issued under the Act and this article for purposes of attaining the goals established in IC 4-33-14-5 if the riverboat licensee or riverboat license applicant has the knowledge set forth in subsection (b). (*Indiana Gaming Commission; 68 IAC 3-3-2; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3035; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 3-3-3 Goals

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-14-5

Sec. 3. (a) The goals established by a riverboat licensee or riverboat license applicant shall not be less than those established in IC 4-33-14-5.

(b) For purposes of this rule, expenditures with business enterprises that qualify as both a minority business enterprise and a women's business enterprise may be counted toward the attainment of the statutory goal for either minority business enterprises or women's business enterprises at the election made by the riverboat licensee or riverboat license applicant, but not both. (*Indiana Gaming Commission; 68 IAC 3-3-3; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3036; filed Jun 9, 2000, 9:52 a.m.: 23 IR 2703; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 3-3-4 Good faith effort

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-14-10

Affected: IC 4-13-16.5; IC 4-33-4; IC 4-33-6; IC 4-33-9; IC 4-33-14-5

Sec. 4. A riverboat licensee or riverboat license applicant shall endeavor in good faith throughout the term of its certificate of suitability or license to attain minority and women's business enterprise participation established in IC 4-33-14-5. If the commission determines that a riverboat licensee or riverboat license applicant is not making a good faith effort to attain the goals established under IC 4-33-14-5, the commission may initiate a disciplinary action under 68 IAC 13. (*Indiana Gaming Commission; 68 IAC 3-3-4; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3036; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 3-3-5 Goal achievement

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-14-10

Affected: IC 4-13-16.5; IC 4-33-4; IC 4-33-6; IC 4-33-9; IC 4-33-14

Sec. 5. (a) A riverboat licensee or riverboat license applicant may attain its goals of expending a certain minimum percentage of the value of its contracts for goods and services by one (1) of the following:

(1) Contracting or transacting directly with minority and women's business enterprises. The value of the contract or transaction shall be considered for the purpose of determining attainment of the statutory goal.

(2) Contracting with a nonminority or nonwomen's business enterprise under terms and conditions that establish a participation plan. If a participation plan is established, the value of the contractor's expenditures with minority or women's business enterprises, directly or through the use of participation plans, shall be attributed to the riverboat licensee or riverboat license applicant for the purpose of determining attainment of the statutory goal.

(3) Contracting or transacting directly with minority and women's business enterprises that are brokers or contracting representatives, in which case the amount of the fees retained by the minority or women's business enterprise shall be considered for the purpose of attaining the statutory goal.

(b) A riverboat licensee or riverboat license applicant may not attain more than seventy percent (70%) of each of its statutory goals through the use of participation plans.

(c) A riverboat licensee or riverboat license applicant may not attain more than fifty percent (50%) of each of its statutory goals through contracting with minority or women's business enterprises who are brokers or contracting representatives. (*Indiana Gaming Commission; 68 IAC 3-3-5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3036; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 3-3-6 Reporting contracts with minority and women's business enterprises

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-14-10

Affected: IC 4-13-16.5; IC 4-33-4; IC 4-33-6; IC 4-33-9; IC 4-33-14-5

Sec. 6. (a) Annually on January 31, for expenditures made during the previous calendar year, each riverboat licensee or riverboat license applicant shall file a report with the commission concerning performance of its continuing obligation to meet the goals required by IC 4-33-14-5. The commission shall provide a copy of each report filed to the department of administration, minority business development. This report shall contain the following information:

- (1) The total number and value of all contracts or transactions awarded for goods and services.
- (2) The total number and value of all contracts or transactions awarded to certified minority and women's business enterprises and a schedule of anticipated disbursements, by calendar quarter, for these contracts or transactions.
- (3) The total number and value of all contracts awarded that contain a participation plan and a schedule of anticipated disbursements, by calendar quarter, for these participation plans.
- (4) The total number and value of all subcontracts to be awarded to minority and women's business enterprises under contracts containing a participation plan and a schedule of anticipated disbursements, by calendar quarter, for these subcontracts.
- (5) A schedule showing actual disbursements to minority and women's business enterprises during each quarter of the year and indicating any deviation from the anticipated disbursement schedule previously reported to the commission.
- (6) A schedule showing actual disbursements to minority and women's business enterprises by contractors under the provisions of a participation plan during each quarter of the year and indicating any deviation from the anticipated disbursement schedule previously reported to the commission.
- (7) The total number and value of contracts or transactions awarded to noncertified minority and women's business enterprises for which the riverboat licensee or riverboat license applicant wishes to claim credit toward attainment of its statutory goal and for each such noncertified minority and women's business enterprise a description of the scope and thoroughness of the investigation conducted to determine that the enterprise qualifies as a minority and women's business enterprise under this rule. Credit shall only be given for noncertified minority and women's business enterprises that have applied for certification as a minority or women's business enterprise under this rule.
- (8) An identification of each contract or transaction awarded to a minority and women's business enterprise.
- (9) An identification of each contract in which the contractor has not complied, or is not reasonably expected to comply, with the provisions of the participation plan.
- (10) A comprehensive description of all efforts made by the riverboat licensee or riverboat license applicant to monitor and enforce the provisions of the participation plan.
- (11) Such other information deemed necessary by the executive director to ensure compliance with the Act and this title.

(b) The executive director may require a riverboat licensee or riverboat license applicant to present a written or oral report to the commission concerning performance of its continuing obligation to achieve the goals required by IC 4-33-14-5 at any time. (*Indiana Gaming Commission; 68 IAC 3-3-6; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3036; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1065; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 3-3-7 Compliance monitoring and certification

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-14-10

Affected: IC 4-13-16.5; IC 4-33-4; IC 4-33-6; IC 4-33-9; IC 4-33-14-4

Sec. 7. (a) Each riverboat licensee or riverboat license applicant shall comply with the monitoring and certification requirements established by 25 IAC 2-20-5. The commission may request that the department of administration, minority business development assist the commission in determining that the riverboat licensee or riverboat license applicant complies with IC 4-33-14 and this title. The commission shall be responsible for enforcing the Act and this title.

(b) When the term MBE is used in 25 IAC 2-20-5, it shall incorporate a women's business enterprise as defined in IC 4-33-14-4. (*Indiana Gaming Commission; 68 IAC 3-3-7; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3037; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 3-3-8 Failure to attain goals

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-14-10

Affected: IC 4-13-16.5; IC 4-33-4; IC 4-33-6; IC 4-33-9; IC 4-33-14-5

Sec. 8. (a) A riverboat licensee or riverboat license applicant may be considered as having failed to meet IC 4-33-14 if one (1) of the following occurs:

- (1) The riverboat licensee or riverboat license applicant has failed to meet the goals established in IC 4-33-14-5.
- (2) The riverboat licensee or riverboat license applicant has failed to make a good faith effort to achieve the goals established by IC 4-33-14-5.
- (3) The riverboat licensee or riverboat license applicant fails to improve its efforts toward attainment of the goals after becoming aware that it will fail to attain its goals on an annual basis.
- (4) The riverboat licensee or riverboat license applicant fails to prepare and file accurate reports as required by this rule.
- (5) The riverboat licensee or riverboat license applicant fails to meet any other provision of IC 4-33-14 or this rule.
- (b) A riverboat licensee or riverboat license applicant is responsible for the failure of a contractor to comply with the provisions of a participation plan.

(c) A disciplinary action under 68 IAC 13 may be initiated against a riverboat licensee or riverboat license applicant that is found to have violated any applicable state or federal discrimination law. (*Indiana Gaming Commission; 68 IAC 3-3-8; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3037; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 3-3-9 Corrective action plan

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-14-10

Affected: IC 4-13-16.5; IC 4-33-4; IC 4-33-6; IC 4-33-9; IC 4-33-14

Sec. 9. (a) Within thirty (30) days after a riverboat licensee or riverboat license applicant determines that it will not attain the statutory goal, the riverboat licensee or riverboat license applicant shall submit a report to the commission that includes a detailed description of the status of its efforts to attain the statutory goal, including, but not limited to, the following:

- (1) Documentation of direct contact or negotiations with minority and women's business enterprises for specific contracting or transacting opportunities. The actions taken shall be reported in a manner that will include the following items:
 - (A) A detailed statement of the efforts made to negotiate with minority and women's business enterprises, including the following:
 - (i) The names, business addresses, and business telephone numbers of the minority and women's business enterprises contacted.
 - (ii) A detailed statement of the reason why prospective agreements were not reached.
 - (B) A detailed statement of the efforts made to select work proposed to be performed by minority and women's business enterprises in order to increase the likelihood of achieving the statutory goal.

- (2) Documentation of any advertising performed in the search for prospective minority and women's business enterprises for the contract.
- (3) Documentation of any notifications provided to minority business assistance agencies for the purpose of locating prospective minority and women's business enterprises for the contract.
- (4) Documentation of efforts taken to research other possible areas of participation.
- (5) Documentation regarding the contractor's policies or programs as they pertain to the utilization of minority and women's business enterprises. This documentation should also provide an explanation of the methods used to carry out those policies or programs.
- (6) Documentation relevant to any other efforts made to assist minority and women's business enterprises in overcoming any traditional barriers of participation in the industry affected by the contract or transaction.

(b) When considering the riverboat licensee's or riverboat license applicant's good faith effort to attain the statutory goals, the executive director or commission may consider the following factors:

- (1) The methods utilized to achieve the statutory goal.
- (2) The time allowed for a meaningful response to its solicitations.
- (3) Statements received from minority and women's business enterprises that have been listed as having been contacted by

the riverboat licensee, riverboat license applicant, or contractor.

(4) The availability of certified minority and women's business enterprises to provide the riverboat licensee or riverboat license applicant with needed goods and services.

(5) Any other factor the executive director or commission deems pertinent to a determination of the good faith effort. The executive director may consult with the department of administration, minority business development regarding a riverboat licensee's or riverboat license applicant's good faith effort.

(c) The riverboat licensee and contractor shall maintain adequate records of all relevant data with respect to the utilization and attempted utilization of minority and women's business enterprises and shall provide full access to these records to the executive director or commission upon request to inspect them. The commission shall make the records required by this article available to the department of administration, minority business development upon the direction of the executive director. The records shall include, but not be limited to, the following information:

(1) The degree of achievement of the goals the riverboat licensee or riverboat license applicant believes possible, and the time frame for achieving the statutory goal.

(2) The plan devised by the riverboat licensee or riverboat license applicant regarding the utilization of minority and women's business enterprises.

(3) The resources being devoted toward attainment of the statutory goal and any changes in that level during the past year.

(4) Any problems encountered by contractors in complying with the provisions of a participation plan, the riverboat licensee's or riverboat license applicant's reaction to these problems, and the efforts made to anticipate the problems and adjust the efforts accordingly.

(5) A plan to improve its efforts and to better enable itself to attain the statutory goals.

(Indiana Gaming Commission; 68 IAC 3-3-9; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3037; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 3-3-10 Required corrective action plan

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-14-10

Affected: IC 4-13-16.5; IC 4-33-4; IC 4-33-6; IC 4-33-9; IC 4-33-14-5

Sec. 10. (a) Whenever the commission determines, at a meeting held under 68 IAC 1-2-5, that a riverboat licensee or riverboat license applicant has failed to demonstrate that it has met its obligations under IC 4-33-14 and this rule, it shall immediately advise the riverboat licensee or riverboat license applicant of that determination. Within ninety (90) days following the determination, the riverboat licensee shall demonstrate its compliance with the statutory goals or a good faith effort to attain the statutory goals or the commission may initiate a disciplinary action under 68 IAC 13.

(b) In the event that the riverboat licensee or riverboat license applicant:

(1) fails to make a good faith effort to attain goals established under IC 4-33-14-5; and

(2) fails to achieve compliance within ninety (90) days following notice of the determination of noncompliance;

the commission may initiate a disciplinary action under 68 IAC 13. *(Indiana Gaming Commission; 68 IAC 3-3-10; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3038; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

Rule 4. Challenges of the Designation of a Certified Minority or Women's Business Enterprise

68 IAC 3-4-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3-1; IC 4-33

Sec. 1. (a) A person may challenge the certification issued to a minority or women's business enterprise.

(b) As used in this rule, "deputy commissioner" means the deputy director of the department of administration, minority business development.

(c) The challenge must be submitted to the following in accordance with IC 4-21.5-3-1:

(1) The deputy commissioner, 402 West Washington Street, W474, Indianapolis, Indiana 46204.

(2) Chief counsel for the commission at the commission's office in Indianapolis, Indiana.

(3) The challenged party.

(d) The department of administration, minority business development, shall review challenges to certifications and make recommendations regarding these challenges to the commission. (*Indiana Gaming Commission; 68 IAC 3-4-1; filed Dec 3, 1997, 3:30 p.m.: 21 IR 1256; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 3-4-2 Requirements of a challenge

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) The challenge to a certification must meet the following requirements:

(1) Be in writing.

(2) State the name, business address, and business telephone number of the challenging party.

(3) Indicate that the challenging party is certified as a minority business enterprise or a women's business enterprise, or both, under 68 IAC 3-2, or is seeking certification.

(4) Identify the minority business enterprise or women's business enterprise, or both, whose certification the challenging party is challenging.

(5) State in detail the facts upon which the challenging party relies in making the challenge.

(6) Indicate whether the minority business enterprise or women's business enterprise, or both, whose certification is being challenged supplies goods or services, or both, to a riverboat licensee or a riverboat license applicant, and specify the goods or services, or both, provided.

(7) Indicate the riverboat licensee or the riverboat license applicant to whom the challenged minority or women's business enterprise supplies goods or services, or both.

(8) Be signed, verified, and dated by the challenging party. Such verification shall be notarized and shall include a certification stating "Under the penalty of perjury, the undersigned has examined the challenge and to the best of my knowledge and belief, it is true, complete, and correct."

(b) The challenge to a certification must be served on the challenged party. The challenging party must attach a certificate of service to the challenge. The certificate of service shall indicate that the challenge has been served on the challenged party, the deputy commissioner, and the chief counsel for the commission. (*Indiana Gaming Commission; 68 IAC 3-4-2; filed Dec 3, 1997, 3:30 p.m.: 21 IR 1257; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 3-4-3 Review by deputy commissioner

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) The deputy commissioner shall review all challenges to certifications. The deputy commissioner may determine one (1) of the following:

(1) The challenge does not contain sufficient documentation to warrant further investigation into whether the challenged enterprise fails to meet the requirements to be certified as a minority business enterprise or a women's business enterprise, or both.

(2) The challenge contains sufficient documentation to warrant further investigation into whether the challenged enterprise fails to meet the requirements to be certified as a minority business enterprise or a women's business enterprise, or both, and that an investigation should be conducted.

(b) The deputy commissioner shall, in writing, notify the following parties of the deputy commissioner's determination:

(1) The challenged party.

(2) The challenging party.

(3) The chief counsel for the commission.

(c) If the deputy commissioner has determined that the challenge does not contain sufficient documentation to warrant further investigation into whether the challenged enterprise fails to meet the certification requirements and has advised the commission of this determination, the commission shall discuss the matter at a meeting held under 68 IAC 1-2-5. The commission shall notify the challenging party and the challenged enterprise of the decision of the commission. If the commission determines that the challenge

contains sufficient documentation to warrant further investigation, the commission shall refer the matter back to the deputy commissioner for investigation. (*Indiana Gaming Commission; 68 IAC 3-4-3; filed Dec 3, 1997, 3:30 p.m.: 21 IR 1257; errata filed Dec 23, 1997, 10:00 a.m.: 21 IR 1768; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 3-4-4 Investigation of challenge

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3-1; IC 4-33

Sec. 4. (a) If the deputy commissioner determines that the challenge contains sufficient documentation to warrant further investigation into whether the challenged enterprise fails to meet the certification requirements, the deputy commissioner shall notify the following parties in writing:

(1) The challenged enterprise.

(2) The challenging party.

(3) The chief counsel for the commission.

(b) The notice sent to the challenged enterprise shall meet the following requirements:

(1) Identify the challenging party.

(2) Summarize the grounds for the challenge to the certification.

(3) Advise the challenged enterprise that the enterprise has thirty (30) days to respond, in writing, to the challenge. The response shall contain facts and supporting documentation that show the challenged enterprise does meet the requirements to be certified as a minority business enterprise or a women's business enterprise, or both.

(c) The deputy commissioner may require the challenged enterprise to submit additional information to determine whether the challenged enterprise meets certification requirements.

(d) Failure of a challenged enterprise to respond to a challenge or to submit additional information as required by the deputy commissioner may be grounds to determine that the challenged enterprise does not meet the certification requirements.

(e) The deputy commissioner shall, after the investigation, make a determination that the challenged enterprise does or does not meet the requirements of the Act, this title, and 25 IAC to be certified as a minority business enterprise or women's business enterprise, or both. The determination of the deputy commissioner shall be served on the following parties in accordance with IC 4-21.5-3-1:

(1) The challenged enterprise.

(2) The challenging party.

(3) The chief counsel for the commission.

(4) Riverboat licensees and riverboat license applicants.

(f) The commission shall review the information submitted by the deputy director and discuss the matter at a meeting held under 68 IAC 1-2-5. The commission shall either adopt or reject the deputy commissioner's findings regarding certification. (*Indiana Gaming Commission; 68 IAC 3-4-4; filed Dec 3, 1997, 3:30 p.m.: 21 IR 1257; errata filed Mar 11, 1998, 3:45 p.m.: 21 IR 2989; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 3-4-5 Request for a hearing

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3-7; IC 4-21.5-3-8; IC 4-33-14-4

Sec. 5. (a) If the commission upholds the deputy commissioner's recommendation to terminate a challenge under section 3(b) of this rule, the challenging party may request a hearing on the termination under IC 4-21.5-3-7 in accordance with the procedures established in 68 IAC 3-5.

(b) If the commission upholds the deputy commissioner's recommendation that the challenged enterprise does meet the requirements of the Act, this title, and 25 IAC, the challenging party may request a hearing regarding the decision under IC 4-21.5-3-7 in accordance with the procedures established in 68 IAC 3-5.

(c) If the challenging party does not request a hearing, the determination of the commission shall become the final order of the commission.

(d) If the commission upholds the deputy commissioner's recommendation that the challenged enterprise does not meet the

requirements of the Act, this title, and 25 IAC, the commission shall advise the challenged party, in writing, of this determination. The challenged enterprise shall be served with a complaint in accordance with IC 4-21.5-3-8. The challenged party's certification will remain in effect until after a decision is reached pursuant to 68 IAC 3-5. (*Indiana Gaming Commission; 68 IAC 3-4-5; filed Dec 3, 1997, 3:30 p.m.: 21 IR 1258; errata filed Dec 23, 1997, 10:00 a.m.: 21 IR 1768; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 3-4-6 Status of challenged enterprise during investigation and hearing process

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-14-5

Sec. 6. (a) Except as provided in subsection (b), expenditures made by a riverboat licensee or a riverboat license applicant with a challenged enterprise may be counted toward the goals established in IC 4-33-14-5 during the pendency of an investigation or hearing, or both.

(b) A riverboat licensee or riverboat license applicant may not rely upon expenditures made with a challenged enterprise if the riverboat licensee or riverboat license applicant has the knowledge set forth in 68 IAC 3-3-2(b), and upon which the challenge to the certification is based. (*Indiana Gaming Commission; 68 IAC 3-4-6; filed Dec 3, 1997, 3:30 p.m.: 21 IR 1258; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 5. Certification; Hearings on Denials and Challenges

68 IAC 3-5-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3; IC 4-33

Sec. 1. (a) This rule applies to the following situations:

(1) A person whose application for certification as a minority or women's business enterprise has been denied under this article may request a hearing on the denial in accordance with this rule.

(2) A complaint has been issued to a challenged enterprise concerning the possible revocation of its certification.

(3) A person whose challenge to the certification of a minority or women's business enterprise has been denied may request a hearing on the denial of the challenge in accordance with this rule.

(b) As used in this rule, "petitioner" means the person whose application for certification as a minority or women's business enterprise has been denied, or whose challenge to the certification of a minority or women's business enterprise has been denied.

(c) The petitioner or the challenged enterprise shall submit an original and two (2) copies of any request, pleading, or other written document submitted to the commission or the administrative law judge, or both.

(d) The petitioner or the challenged enterprise must attach a certificate of service to each pleading. The certificate of service shall indicate that the pleading has been served on each attorney or party of record.

(e) An action involving a denial of a certification or challenge to a certification under this rule shall also comply with IC 4-21.5-3. (*Indiana Gaming Commission; 68 IAC 3-5-1; filed Dec 3, 1997, 3:30 p.m.: 21 IR 1258; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 3-5-2 Requests for hearings

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3; IC 4-33

Sec. 2. Requests for hearing shall comply with 68 IAC 7-1-2. Requests for hearings must be submitted within fifteen (15) days after service of notice of denial of the certification or the challenge to a certification in accordance with IC 4-21.5-3. (*Indiana Gaming Commission; 68 IAC 3-5-2; filed Dec 3, 1997, 3:30 p.m.: 21 IR 1259; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 3-5-3 Procedural issues

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5; IC 4-33

Sec. 3. (a) Appearances and service shall comply with 68 IAC 7-1-3.

(b) Discovery shall be handled in accordance with 68 IAC 7-1-4.

(c) Subpoenas shall be handled in accordance with 68 IAC 7-1-5.

(d) Prehearing conferences shall be handled in accordance with 68 IAC 7-1-6.

(e) Motions for summary judgment and other appropriate motions shall be handled in accordance with 68 IAC 7-1-7.

(f) Depositions shall be handled in accordance with 68 IAC 7-1-8.

(g) Continuances shall be handled in accordance with 68 IAC 7-1-9.

(h) Evidence shall be handled in accordance with 68 IAC 7-1-11.

(i) Matters concerning ex parte communication shall be handled in accordance with 68 IAC 7-1-12.

(j) Matters concerning sanctions and penalties shall be handled in accordance with 68 IAC 7-1-13.

(k) Transmittal of the record and recommendation to the commission shall be handled in accordance with 68 IAC 7-1-14.

(Indiana Gaming Commission; 68 IAC 3-5-3; filed Dec 3, 1997, 3:30 p.m.: 21 IR 1259; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 3-5-4 Proceedings

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5; IC 4-33

Sec. 4. (a) The burden of proof shall at all times be on the petitioner in either of the following situations:

(1) The petitioner is appealing the denial of an application for certification under 68 IAC 3-2.

(2) The petitioner is appealing the denial of a challenge to a minority or women's business enterprise certification under 68 IAC 3-4.

The petitioner shall have the affirmative responsibility of establishing by a preponderance of the evidence that the application for certification should not have been denied or that the challenge to a certification should not have been denied.

(b) The burden of proof shall at all times be on the commission if the commission has filed a complaint indicating the commission seeks to revoke a challenged enterprise's certification. The commission shall have the affirmative responsibility of establishing by a preponderance of the evidence that the challenged enterprise does not meet the requirements of the Act, this title, and 25 IAC for certification as a minority or women's business enterprise.

(c) Any testimony shall be given under oath or affirmation. The administrative law judge shall be authorized to administer oaths.

(d) Both parties may present an opening statement on the merits. The party who bears the burden of proof proceeds first. The party not bearing the burden of proof may not reserve opening statement for a later time. The administrative law judge may determine the length of time each party is permitted for the presentation of an opening statement.

(e) The party bearing the burden of proof shall then present its case-in-chief.

(f) Upon the conclusion of the case-in-chief presented by the party bearing the burden of proof, the other party may move for a directed finding. The administrative law judge may hear arguments on the motion or may grant, deny, or reserve any decision thereon, with or without argument.

(g) If no motion for directed finding is made, or if such motion is denied or decision reserved thereon, the party not bearing the burden of proof may present its case.

(h) Each party may conduct cross-examination of adverse witnesses.

(i) Upon conclusion of the case of the party not bearing the burden of proof, the party bearing the burden of proof may present evidence in rebuttal.

(j) The administrative law judge may ask questions of the witnesses and may request or allow additional evidence at any time, including additional rebuttal evidence.

(k) Both parties may present closing argument. The party bearing the burden of proof proceeds first, and, thereafter, the opposing party. The party bearing the burden of proof may present rebuttal argument. The administrative law judge may determine

the length of time each party is permitted for the presentation of closing argument.

(l) The administrative law judge may require or allow the parties to submit posthearing briefs, proposed findings of fact, and conclusions of law within ten (10) days of the conclusion of the hearing or within such other time period the administrative law judge might order. (*Indiana Gaming Commission; 68 IAC 3-5-4; filed Dec 3, 1997, 3:30 p.m.: 21 IR 1259; errata filed Mar 11, 1998, 3:45 p.m.: 21 IR 2989; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

ARTICLE 4. CORPORATIONS

Rule 1. Publicly Traded Corporations

68 IAC 4-1-1 Definitions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21

Affected: IC 4-33-5; IC 4-33-6; IC 4-33-9; IC 23-2-1-1

Sec. 1. The following definitions apply throughout this rule:

(1) "Current market price" means the average of the daily closing prices for the twenty (20) consecutive trading days immediately preceding the date of such transaction or the closing price on the day immediately preceding the date of the transaction, whichever is higher. For the purpose of this definition, the closing price shall be determined as follows:

(A) If the security is admitted to trading or listed on the principal national securities and exchange, the closing price for each day shall be:

- (i) the last reported sale price, regular way; or
- (ii) in case no such reported sale takes place on such day, the average of the last reported bid and asked prices, regular way.

In either case, the closing price on the principal national securities and exchange registered under the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.) on which such security is admitted to trading or listed.

(B) If the security is not listed or admitted to trading on any national securities exchange, the closing price for each day shall be:

- (i) the closing price of such security; or
- (ii) in case no reported sale takes place, the average of the closing bid and asked prices on NASDAQ or any comparable system.

(C) If the security is not listed or quoted on NASDAQ or on any comparable system, the closing price for each day shall be:

- (i) the closing sale price; or
- (ii) in case no reported sale takes place, the average of the closing bid and asked prices, as furnished by any member of the National Association of Securities Dealers, Inc., selected from time to time by the issuer for that purpose.

(2) "Holding company" means any corporation, firm, partnership, trust, limited liability company, or other form of business entity that meets the following criteria:

(A) Directly or indirectly:

- (i) owns;
- (ii) has the power or right to vote or control; or
- (iii) holds with the power to vote;

all or any part of the stock, interest, or other voting security of a business entity that holds or has applied for an Indiana riverboat owner's license or a supplier's license.

(B) Indirectly holds, holds, or owns any power, right, or security if it does so through any interest in a subsidiary or successive subsidiary, however, many such subsidiaries may intervene between the holding company and the holder or applicant for a riverboat owner's license or a supplier's license.

(3) "Intermediary company" means any corporation, firm, partnership, trust, limited liability company, or other form of business entity that meets the following criteria:

(A) Is a holding company of a holder or an applicant for a riverboat owner's license or a supplier's license.

- (B) Is a subsidiary with respect to any holding company.
- (4) "Public offering" means a sale of voting securities that is subject to the registration requirements of Section 5 of the Securities Act of 1933 (15 U.S.C. 78a et seq.), or that is exempt from such requirements solely by reason of an exemption contained in either:
- (A) Section 3(a)(10), 3(a)(11), or 3(c) of the Securities Act of 1933 (15 U.S.C. 78a et seq.); or
 - (B) Regulation A or Regulation D adopted under Section 3(b) of the Securities Act of 1933 (15 U.S.C. 78a et seq.).
- (5) "Publicly traded corporation" means the following:
- (A) Any person, other than an individual, that:
 - (i) has one (1) or more classes of voting securities registered under Section 12 of the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.);
 - (ii) issues securities and is subject to Section 15(d) of the Securities Act of 1934 (15 U.S.C. 78a et seq.); or
 - (iii) has one (1) or more classes of voting securities exempted from the registration requirements of Section 5 of the Securities Act of 1933 (15 U.S.C. 78a et seq.) due to an exemption contained in Section 3(a)(10), 3(a)(11), or 3(c) of the Securities Act of 1933 (15 U.S.C. 78a et seq.);or any other company required to file under the Securities and Exchange Act of 1934.
 - (B) Any person, other than an individual, created under the laws of a foreign country that:
 - (i) has one (1) or more classes of voting securities registered on that country's securities exchange or over-the-counter market; and
 - (ii) the commission has determined that the business entity's activities are regulated in a manner that protects the investors and Indiana.

The term includes any person, other than an individual, that has securities registered or is an issuer under this definition solely because it guaranteed a security issued by an affiliate under a public offering and is considered by the Securities and Exchange Commission to be a co-issuer of a public offering of securities under Rule 140 of the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.).

(6) "Security" has the meaning set forth in IC 23-2-1-1(k).

(7) "Subsidiary" means any firm, partnership, trust, limited liability company, or other form of business organization, all or any interest of which is:

- (A) owned;
- (B) subject to a power or right of control; or
- (C) held with power to vote;

directly, indirectly, or in conjunction with a holding company or intermediary company.

(8) "Voting security" means a security the holder of which is entitled to vote generally for the election of a member or members of the board of directors or board of trustees of a corporation or a comparable person or persons in the case of a partnership, trust, or other form of business organization other than a corporation.

(Indiana Gaming Commission; 68 IAC 4-1-1; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1026; readopted filed Dec 1, 2003, 9:45 a.m.: 27 IR 1295)

68 IAC 4-1-2 Applicability

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21

Affected: IC 4-33-5; IC 4-33-6; IC 4-33-9

Sec. 2. (a) This rule applies to publicly traded corporations holding riverboat owners' licenses, certificates of suitability, or supplier licenses in Indiana and riverboat licensees, riverboat license applicants, or supplier licensees owned directly or indirectly by a publicly traded corporation, whether through a subsidiary or intermediary company thereof, where such ownership interest directly or indirectly is, or will be upon approval by the commission, five percent (5%) or more of the entire riverboat licensee, riverboat license applicant, or supplier licensee.

(b) If the commission determines that a publicly traded corporation, or a subsidiary, intermediary company, or holding company thereof has the actual ability to exercise influence over a riverboat licensee or supplier licensee, regardless of the percentage of ownership possessed by the entity, the commission may require the entity to comply with this rule. *(Indiana Gaming Commission; 68 IAC 4-1-2; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1027; readopted filed Dec 1, 2003, 9:45 a.m.: 27 IR 1296)*

68 IAC 4-1-3 Public offerings

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21
Affected: IC 4-33-5; IC 4-33-6; IC 4-33-9

Sec. 3. A riverboat licensee, riverboat license applicant, supplier licensee, affiliate, or controlling person thereof commencing a public offering must notify the commission, with regard to a public offering to be registered with the Securities and Exchange Commission, no later than ten (10) business days after the initial filing of a registration statement with the Securities and Exchange Commission, or, with regard to any other type of public offering, no later than ten (10) business days prior to the public use or distribution of any offering document, if:

- (1) the riverboat licensee, supplier licensee, affiliate, or controlling person thereof intending to issue the voting securities is not a publicly traded corporation; or
- (2) the riverboat licensee, supplier licensee, affiliate, or controlling person thereof intending to issue the voting securities is a publicly traded corporation and if the proceeds of the offering, in whole or in part, are intended to be used:
 - (A) to pay for the construction of a gambling operation to be owned or operated by the licensee in Indiana;
 - (B) to acquire any direct or indirect interest in a gambling operation located in Indiana or a supplier licensee;
 - (C) to finance the operation of a gambling operation in Indiana by the licensee; or
 - (D) to retire or extend obligations incurred for one (1) or more purposes set forth in clause (A), (B), or (C).

(Indiana Gaming Commission; 68 IAC 4-1-3; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1027; readopted filed Dec 1, 2003, 9:45 a.m.: 27 IR 1296)

68 IAC 4-1-4 Notice of public offering

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21
Affected: IC 4-33-5; IC 4-33-6; IC 4-33-9

Sec. 4. A person notifying the commission of a public offering shall disclose the following information:

- (1) A description of the voting securities to be offered.
- (2) The proposed terms upon which the voting securities are to be offered.
- (3) The anticipated gross and net proceeds of the offering, including a detailed list of expenses.
- (4) The use of the proceeds.
- (5) The name and address of the lead underwriter.
- (6) The forms of the underwriting agreement, the agreement underwriters, if any, and the selected dealers agreements, if any.
- (7) A statement of intended compliance with all applicable federal, state, local, and foreign securities laws.
- (8) The names and addresses of the riverboat licensee or supplier licensee's counsel for such public offering, independent auditors, and special consultants for the offering.
- (9) If any voting securities to be issued are not to be offered to the general public, the general nature of the offerees and the form of the offering.
- (10) Any other offering material filed with the Securities and Exchange Commission that is required to be submitted pursuant to the direction of the Securities and Exchange Commission.

(Indiana Gaming Commission; 68 IAC 4-1-4; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1027; readopted filed Dec 1, 2003, 9:45 a.m.: 27 IR 1296)

68 IAC 4-1-5 Fraudulent and deceptive practices prohibited

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21
Affected: IC 4-33-5; IC 4-33-6; IC 4-33-9; IC 23-2-1

Sec. 5. A disciplinary action may be initiated under 68 IAC 13 if any person, in connection with the purchase or sale of any security issued by a riverboat licensee, supplier licensee, affiliate, or controlling person thereof is:

- (1) found guilty of;
- (2) pleads nolo contendere to;

- (3) is the subject of a final cease and desist order with respect to;
- (4) is subject to an order of permanent injunction issued on the basis of; or
- (5) is the subject of a similar final action taken on the basis of;

a violation of Rule 10b-5 promulgated by the Securities and Exchange Commission under Section 10(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or a violation of IC 23-2-1. (*Indiana Gaming Commission; 68 IAC 4-1-5; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1028; readopted filed Dec 1, 2003, 9:45 a.m.: 27 IR 1297*)

68 IAC 4-1-6 Submission of proxy and information statements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21
Affected: IC 4-33-5; IC 4-33-6; IC 4-33-9

Sec. 6. Each publicly traded corporation that is a riverboat licensee or supplier licensee shall, within ten (10) business days after distributing any:

- (1) proxy statement subject to Regulation 14A of the Securities and Exchange Commission; or
- (2) information statement subject to Regulation 14C of the Securities and Exchange Commission;

to its security holders, submit such proxy statement or information statement to the commission. (*Indiana Gaming Commission; 68 IAC 4-1-6; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1028; readopted filed Dec 1, 2003, 9:45 a.m.: 27 IR 1297*)

68 IAC 4-1-7 Reporting requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21
Affected: IC 4-33-5; IC 4-33-6; IC 4-33-9

Sec. 7. (a) A publicly traded corporation that is a riverboat licensee, a riverboat license applicant, or a supplier licensee which files:

- (1) Form 10;
- (2) Form 10-Q;
- (3) Form 10-K;
- (4) Form 8-K;
- (5) Form 1-A;
- (6) Registration Statement S-1;
- (7) Registration Statement SB-2;
- (8) Registration Statement 10-SB;
- (9) Report 10-KSB;
- (10) Report 10-QSB;
- (11) Schedule 13e-3;
- (12) Schedule 14D-9; or

(13) any filing required by Rule 14f-1 promulgated under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.); shall, within ten (10) business days of filing the document with the Securities and Exchange Commission, file three (3) copies of such document with the commission.

(b) A publicly traded corporation that is a riverboat licensee or supplier licensee that receives any material document filed with the Securities and Exchange Commission by any other person relating to such publicly traded corporation shall, within ten (10) business days following such receipt, file one (1) copy of such document with the commission.

(c) A publicly traded corporation that is a riverboat licensee or supplier licensee shall file a list of recordholders and beneficial owners of its voting securities with the commission annually.

(d) A publicly traded corporation that is a riverboat or supplier licensee shall report to the commission the election or appointment of any director, executive officer, or any other officer of the licensee, holding company, or intermediary company thereof who is actively and directly engaged in the administration or supervision of the riverboat gambling operation or the supplier licensee.

(e) A publicly traded corporation that is a riverboat licensee or supplier licensee shall advise the commission, in writing, that a key person or substantial owner of the publicly traded corporation has disposed of any of such publicly traded corporation's voting

securities by the fifteenth day of the month following the transaction.

(f) A riverboat licensee, supplier licensee, intermediary, or holding company thereof shall file any other document requested by the commission to ensure compliance with the Act or this title within thirty (30) days or such other time established by the commission. (*Indiana Gaming Commission; 68 IAC 4-1-7; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1028; readopted filed Dec 1, 2003, 9:45 a.m.: 27 IR 1297*)

68 IAC 4-1-8 Required charter provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21

Affected: IC 4-33-5; IC 4-33-6; IC 4-33-9

Sec. 8. (a) The following provisions, or similar provisions approved by the executive director in accordance with subsection (d), must be included in the articles of incorporation, or similar organization documents, of each publicly traded riverboat licensee or supplier licensee: "The [corporation] [partnership] [limited liability company] shall not issue five percent (5%) or greater of any voting securities or other voting interests to a person except in accordance with the provisions of the Indiana Riverboat Gambling Act (IC 4-33) and the rules promulgated thereunder (68 IAC). The issuance of any voting securities or other voting interests in violation thereof shall be void and such voting securities or other voting interests shall be deemed not to be issued and outstanding until one (1) of the following occurs:

(1) The [corporation] [partnership] [limited liability company] shall cease to be subject to the jurisdiction of the Indiana Gaming Commission.

(2) The Indiana Gaming Commission shall, by affirmative action, validate said issuance or waive any defect in issuance.

No voting securities or other voting interests issued by the [corporation] [partnership] [limited liability company] and no interest, claim, or charge of five percent (5%) or greater therein or thereto shall be transferred in any manner whatsoever except in accordance with the provisions of the Indiana Riverboat Gambling Act (IC 4-33) and rules promulgated thereunder (68 IAC). Any transfer in violation thereof shall be void until one (1) of the following occurs:

(1) The [corporation] [partnership] [limited liability company] shall cease to be subject to the jurisdiction of the Indiana Gaming Commission.

(2) The Indiana Gaming Commission shall, by affirmative action, validate said transfer or waive any defect in said transfer.

If the Indiana Gaming Commission at any time determines that a holder of voting securities or other voting interests of this [corporation] [partnership] [limited liability company] shall be denied the application for transfer, then the issuer of such voting securities or other voting interests may, within thirty (30) days after the denial, purchase such voting securities or other voting interests of such denied applicant at the lesser of:

(1) the market price of the ownership interest; or

(2) the price at which the applicant purchased the ownership interest;

unless such voting securities or other voting interests are transferred to a suitable person (as determined by the commission) within thirty (30) days after the denial of the application for transfer of ownership.

Until such voting securities or other voting interests are owned by persons found by the commission to be suitable to own them, the following restrictions must be followed:

(1) The [corporation] [partnership] [limited liability company] shall not be required or permitted to pay any dividend or interest with regard to the voting securities or other voting interests.

(2) The holder of such voting securities or other voting interests shall not be entitled to vote on any matter as the holder of the voting securities or other voting interests, and such voting securities or other voting interests shall not for any purposes be included in the voting securities or other voting interests of the [corporation] [partnership] [limited liability company] entitled to vote.

(3) The [corporation] [partnership] [limited liability company] shall not pay any remuneration in any form to the holder of the voting securities or other voting interests as provided in this paragraph."

(b) A riverboat license applicant must be in compliance with subsection (a) prior to the commission issuing the riverboat owner's license under 68 IAC 2-1.

(c) A supplier licensee must be in compliance with subsection (a) within forty-five (45) days of receiving a permanent supplier's license under 68 IAC 2-2. Each supplier licensee must file one (1) copy of the amended articles of incorporation or similar organization documents within fifty (50) days of receiving a permanent supplier's license.

(d) A riverboat license applicant, riverboat licensee, or supplier licensee must submit similar charter provisions to the executive director at least thirty (30) days prior to the public offering for approval. The executive director shall notify the riverboat license applicant, riverboat licensee, or supplier licensee, in writing, that the charter provisions are acceptable. (*Indiana Gaming Commission; 68 IAC 4-1-8; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1028; readopted filed Dec 1, 2003, 9:45 a.m.: 27 IR 1298*)

68 IAC 4-1-9 Consequences of violation of rule

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21
Affected: IC 4-33-5; IC 4-33-6; IC 4-33-9

Sec. 9. If the commission determines that a riverboat licensee, a riverboat license applicant, or a supplier licensee has violated or is in violation of this rule, the commission may initiate an investigation, a disciplinary action, or both, under 68 IAC 13. (*Indiana Gaming Commission; 68 IAC 4-1-9; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1029; readopted filed Dec 1, 2003, 9:45 a.m.: 27 IR 1299*)

68 IAC 4-1-10 Waiver, alteration, or restriction of requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21
Affected: IC 4-33-5; IC 4-33-6; IC 4-33-9

Sec. 10. The commission may waive, alter, or restrict any requirement or procedure set forth in this rule if the commission determines that the requirement or procedure is impractical or burdensome and the waiver, alteration, or restriction is in the best interest of the public and the gaming industry and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure. (*Indiana Gaming Commission; 68 IAC 4-1-10; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1029; readopted filed Dec 1, 2003, 9:45 a.m.: 27 IR 1299*)

ARTICLE 5. TRANSFER OF OWNERSHIP

Rule 1. Publicly Traded Companies

68 IAC 5-1-1 Approval required

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21
Affected: IC 4-33

Sec. 1. (a) This rule applies to publicly traded corporations holding riverboat owner's licenses, certificates of suitability, or suppliers licenses in Indiana and riverboat licensees, riverboat license applicants, and supplier licensees owned directly or indirectly by a publicly traded corporation, whether through a subsidiary or intermediary company thereof, where such ownership interest directly or indirectly is, or will be upon approval by the commission, five percent (5%) or more of the entire riverboat licensee, riverboat license applicant, or supplier licensee.

(b) The following definitions apply throughout this rule:

(1) "Applicant" means a person who is seeking permission from the commission to obtain an ownership interest in a riverboat licensee, a supplier licensee, or a riverboat license applicant.

(2) "Publicly traded corporation" means the following:

(A) Any person, other than an individual, that:

(i) has one (1) or more classes of voting securities registered under Section 12 of the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.);

(ii) issues securities and is subject to Section 15(d) of the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.); or

(iii) has one (1) or more classes of voting securities exempted from the registration requirements of Section 5 of the Securities Act of 1933 (15 U.S.C. 78a et seq.) due to an exemption contained in Section 3(a)(10), 3(a)(11), or 3(c) of the Securities Act of 1933 (15 U.S.C. 78a et seq.);

or any other company required to file under the Securities and Exchange Act of 1934.

(B) Any person, other than an individual, created under the laws of a foreign country that:

- (i) has one (1) or more classes of voting securities registered on that country's securities exchange or over-the-counter market; and
- (ii) the commission has determined that the business entity's activities are regulated in a manner that protects the investors and Indiana.

The term includes any person, other than an individual, that has securities registered or is an issuer under this definition solely because it guaranteed a security issued by an affiliate under a public offering and is considered by the Securities and Exchange Commission to be a co-issuer of a public offering of securities under Rule 140 of the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.).

(c) An ownership interest of five percent (5%) or more by a riverboat licensee, a supplier licensee, or a riverboat license applicant that is a publicly traded corporation may only be transferred in accordance with this rule. (*Indiana Gaming Commission; 68 IAC 5-1-1; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1030; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 5-1-2 Procedure for approval of transfer

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21

Affected: IC 4-33

Sec. 2. (a) An applicant for approval of a transfer of an ownership interest must complete and submit the appropriate forms prescribed by the commission.

(b) Application procedures shall be as follows:

(1) An applicant to receive an ownership interest is seeking a privilege and assumes and accepts any and all risk of adverse publicity, notoriety, embarrassment, criticism, or other action or financial loss that may occur in connection with the application process or the public disclosure of information requested. The applicant expressly waives any claim for damages that may result from the application process.

(2) Any misrepresentation or omission made with respect to the application may be grounds for denial of the application.

(3) An applicant must submit six (6) bound and three (3) unbound copies of the application for transfer of an ownership interest.

(4) An applicant must submit three (3) bound and two (2) unbound copies of the Personal Disclosure Form 1 under 68 IAC 2-3-4(d) that have been completed by the substantial owners, key persons, or other persons deemed necessary by this rule or by the commission to allow the commission to ensure that the applicant meets the statutory criteria for licensure set forth in the Act and this title.

(5) An application shall be deemed filed when the completed application forms, including all required documents, materials, and photographs, and the application fee under section 3 of this rule have been submitted and the commission has stamped the application as received. A background investigation will not be initiated by the commission until a complete application is received by the commission.

(6) The completed application must be filed in the commission's office in Indianapolis, Indiana.

(7) An applicant is under a continuing duty to disclose any changes in the information submitted to the commission.

(c) An applicant to receive an interest in a riverboat licensee or a riverboat license applicant must present evidence that it meets or possesses the standards, qualifications, or criteria under 68 IAC 2-1-5(c). The applicant bears the burden of proving its qualifications.

(d) An applicant to receive an interest in a supplier licensee must present evidence that it meets or possesses the standards, qualifications, or criteria under 68 IAC 2-2-5(c). The applicant bears the burden of proving its qualifications. (*Indiana Gaming Commission; 68 IAC 5-1-2; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1030; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 5-1-3 Application fees

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21

Affected: IC 4-33

Sec. 3. (a) All fees shall be submitted to the commission in the form of a certified check or cashier's check made payable to the state of Indiana.

(b) An applicant to receive an ownership interest in a riverboat licensee or a riverboat license applicant must pay an

investigation fee in the same amount as the application fee for a riverboat owner's license established in 68 IAC 2-1-2(b) with the application.

(c) An applicant to receive an ownership interest in a supplier's license must pay an investigation fee in the same amount as the application fee for a supplier's license established in 68 IAC 2-2-2(b) with the application.

(d) The investigation fee shall be utilized to conduct the background investigation of the applicant. An additional investigation fee may be assessed to the extent that the cost of the background investigation relating to the applicant exceeds the investigation fee submitted under subsection (b) or (c). The applicant shall be advised by the executive director in writing that an additional investigation fee is required. The letter shall direct the applicant to remit an amount that the executive director has determined is necessary to complete the investigation. Once an applicant is directed to submit an investigation fee in excess of the amount set forth in subsection (b) or the amount set forth in subsection (c), the investigative team conducting the investigation on that applicant shall not finalize the report on the applicant's suitability for obtaining an ownership interest nor submit that report to the commission for consideration until the additional investigation fee is paid by the applicant.

(e) In the event an assessed investigation fee exceeds the final cost of the investigation, the excess investigation fee shall be refunded to the applicant. (*Indiana Gaming Commission; 68 IAC 5-1-3; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1031; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 5-1-4 Publicly traded corporations

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21

Affected: IC 4-33

Sec. 4. (a) Each person (other than an institutional investor who complies with subsection (c)) who, individually or in association with others, acquires, directly or indirectly, the beneficial ownership of:

(1) five percent (5%) or more of any class of voting securities of a publicly traded corporation that is required to contain the charter provisions set forth in 68 IAC 4-1-8; or

(2) five percent (5%) or more of the beneficial interest in a riverboat licensee, riverboat license applicant, or supplier licensee, directly or indirectly, through any class of voting securities of any holding or intermediary company of a riverboat licensee, riverboat license applicant, or supplier licensee;

shall apply to the commission for a finding of suitability within forty-five (45) days after acquiring the securities. A riverboat licensee or supplier licensee shall notify each person who is subject to this section of its requirements, provided that the obligations of the person subject to this rule are independent of, and unaffected by, the corporation's failure to give notice.

(b) Each institutional investor who, individually or in association with others, acquires, directly or indirectly, beneficial ownership of:

(1) five percent (5%) or more of any class of voting securities of a publicly traded corporation that is required to contain the charter provisions set forth in 68 IAC 4-1-8; or

(2) five percent (5%) or more of the beneficial interest in a riverboat licensee, riverboat license applicant, or supplier licensee through any class of voting securities of any holding company or intermediary company of a riverboat licensee, riverboat license applicant, or supplier licensee;

shall notify the commission within ten (10) business days after the person acquires the securities and files Form 13-D or 13-G with the Securities and Exchange Commission and shall provide additional information and may be subject to a finding of suitability as required by the commission. A riverboat licensee or supplier licensee shall notify each person who is subject to this section of its requirements as soon as the corporation becomes aware of the acquisition, provided that the obligations of the persons subject to this rule are independent of, and unaffected by, the corporation's failure to give notice.

(c) An institutional investor who would otherwise be subject to subsection (a) shall, within forty-five (45) days after acquiring the interests set forth in subsection (b), submit the following information to the commission:

(1) A description of the institutional investor's business and a statement as to why the institutional investor is within the definition of institutional investor set forth in 68 IAC 1-1-52.

(2) A certification made under oath and the penalty of perjury that the voting securities were acquired and are held for investment purposes only and were acquired and are held in the ordinary course of business as an institutional investor and not for the purpose of causing, directly or indirectly, the election of a majority of the board of directors, any change in the corporate charter, bylaws, management, policies, or operations of a riverboat licensee, supplier licensee, or affiliate. The

signatory shall also explain the basis of his or her authority to sign the certification and to bind the institutional investor to its terms. The certification shall also provide that the institutional investor is bound by and shall comply with the Act (IC 4-33) and this title, is subject to the jurisdiction of the courts of Indiana, and consents to Indiana as the choice of forum in the event any dispute, question, or controversy arises regarding the application of this rule.

(3) The name, address, telephone number, and Social Security number of the officers and directors, or their equivalent, of the institutional investor as well as those persons who have direct control over the institutional investors's holdings of voting securities of the riverboat licensee, riverboat license applicant, supplier licensee, or affiliate.

(4) The name, address, telephone number, and Social Security number or federal tax identification number of each person who has the power to direct or control the institutional investor's exercise of its voting rights as a holder of voting securities of the riverboat licensee, riverboat license applicant, supplier licensee, or affiliate.

(5) The name of each person who beneficially owns five percent (5%) or more of the institutional investor's voting securities or other equivalent.

(6) A list of the institutional investor's affiliates.

(7) A list of all securities of the riverboat licensee, riverboat license applicant, or supplier licensee that are or were, directly or indirectly, beneficially owned by the institutional investor or its affiliates within the preceding one (1) year period, setting forth a description of the securities, the amount of the securities, and the date of the acquisition, sale, or both.

(8) A list of all regulatory agencies with which the institutional investor or any affiliate that beneficially owns voting securities of the riverboat licensee, supplier licensee, or affiliate files periodic reports, and the name, address, and telephone number of the person, if known, to contact at each agency regarding the institutional investor.

(9) A disclosure of all criminal sanctions imposed during the preceding ten (10) years. A disclosure of all regulatory sanctions imposed during the preceding ten (10) years and of any administrative or court proceedings filed by any regulatory agency in the preceding five (5) years against the institutional investor, its affiliates, any current officer or director, or any former officer or director whose tenure ended within the preceding twelve (12) months.

(10) A copy of any filing made under 15 U.S.C. 18a with respect to the acquisition or proposed acquisition of voting securities of the riverboat or supplier licensee or affiliate.

(11) Any additional information the commission may request to ensure compliance with the Act and this title.

(d) Each institutional investor who, individually or in association with others, acquires, directly or indirectly, the beneficial ownership of:

(1) fifteen percent (15%) or more of any class of voting securities of a publicly traded corporation that is required to contain the charter provisions set forth in 68 IAC 4-1-8; or

(2) fifteen percent (15%) or more of the beneficial interest in a riverboat licensee, riverboat license applicant, or supplier licensee directly or indirectly, through any class of voting securities of any holding company or intermediary company of a riverboat or supplier licensee;

shall apply to the commission for a finding of suitability within forty-five (45) days after acquiring the securities. A riverboat licensee or supplier licensee shall notify each person who is subject to this section of its requirements, provided that the obligations of the person subject to this rule are independent of, and unaffected by, the corporation's failure to give notice.

(e) The commission may require that any applicant for an ownership interest apply for a finding of suitability in accordance with this rule if the commission deems the finding of suitability necessary to ensure compliance with the Act and this title.

(f) The following activities shall be deemed to be consistent with holding voting securities for investment purposes only under subsection (c)(2):

(1) Voting, directly or indirectly, through the delivery of a proxy furnished by the board of directors, on all matters voted on by the holders of such voting securities.

(2) Serving as a member of any committee of creditors or security holders formed in connection with a debt restructuring.

(3) Nominating any candidate for election or appointment to the board of directors in connection with a debt restructuring.

(4) Accepting appointment or election as a member of the board of directors in connection with a debt restructuring and serving in that capacity until the conclusion of the member's term.

(5) Making financial and other inquiries of management of the type normally made by securities analysts for information purposes and not to cause a change in its management, policies, or operations.

(6) Such other activities the commission determines to be consistent with such investment intent.

(g) A person who acquires beneficial ownership of any voting security in a riverboat licensee, riverboat license applicant,

supplier licensee, holding company, or intermediary company of any riverboat licensee, riverboat license applicant, or supplier licensee created under the laws of a foreign country shall file such reports as the commission may prescribe and is subject to a finding of suitability under the Act and 68 IAC 2-1-5(c).

(h) Any person whose application was denied by the commission shall not hold, directly or indirectly, the beneficial ownership of any voting security of a riverboat licensee, riverboat license applicant, supplier licensee, holding company, or intermediary company thereof beyond that period of time prescribed by the commission, and must be removed immediately from any position as a director, officer, or employee of such riverboat licensee, riverboat license applicant, supplier licensee, holding company, or intermediary company thereof.

(i) Subsections (a), (b) and (d) shall not apply to any underwriter during the first ninety (90) days of the underwriting. (*Indiana Gaming Commission; 68 IAC 5-1-4; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1031; errata filed Nov 30, 1995, 1:00 p.m.: 19 IR 1140; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 5-1-5 Denials; request for hearing

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21

Affected: IC 4-33

Sec. 5. (a) If the commission denies the application to transfer an ownership interest, it shall direct the executive director to issue a notice of denial to the applicant.

(b) A riverboat licensee, a supplier licensee, or a riverboat license applicant who is served with a notice of denial under this rule may request a hearing under 68 IAC 7-1.

(c) If the riverboat licensee, supplier licensee, or riverboat license applicant does not request a hearing within the time requirements of 68 IAC 7-1, the notice of denial becomes the final order of the commission.

(d) Unless specifically stated to the contrary, a notice of denial of an application for transfer under this rule shall not constitute a finding that the applicant is not suitable for licensure. (*Indiana Gaming Commission; 68 IAC 5-1-5; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1033; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 5-1-6 Repurchase of interest in publicly traded corporation

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21

Affected: IC 4-33

Sec. 6. (a) Within thirty (30) calendar days of the earlier of either:

(1) failure of a riverboat licensee, a supplier licensee, or a riverboat license applicant to request a hearing under 68 IAC 7-1 after receiving a notice of denial; or

(2) the exhaustion of the hearing or appellate process;

the riverboat licensee, supplier licensee, or riverboat license applicant shall purchase all of the interests held by the applicant who was served with the notice of denial. The applicant who was served with the notice of denial shall sell all of its interest in the license to the riverboat licensee, the supplier licensee, or the riverboat license applicant within thirty (30) days.

(b) The ownership interest shall be purchased at the lesser of:

(1) the market price of the ownership interest; or

(2) the price at which the applicant purchased the ownership interest.

(*Indiana Gaming Commission; 68 IAC 5-1-6; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1033; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 5-1-7 Prescribed activities with respect to unsuitable persons

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21

Affected: IC 4-33

Sec. 7. (a) In refusing to grant approval for the transfer of an interest or other involvement with a riverboat licensee, a supplier licensee, or a riverboat license applicant, the commission may determine that a person is unsuitable for licensure pursuant to the Act and 68 IAC 2-1.

(b) After the commission serves a notice of denial to a riverboat licensee, a supplier licensee, or a riverboat license applicant, that person shall not do the following:

- (1) Pay, to any person whose application was denied, any dividend or interest upon any voting securities, or any payment or distribution of any kind whatsoever except as permitted by subdivision (4).
- (2) Recognize the exercise by any person whose application was denied, directly or indirectly, or through any proxy, trust, or nominee, of any voting right conferred by any securities or interest in any securities.
- (3) Pay to any person whose application was denied any remuneration in any form for services rendered.
- (4) Fail to pursue all lawful efforts to require the person whose application was denied to relinquish all voting securities, including, if necessary, the immediate purchase of the voting securities by the riverboat licensee or supplier licensee.

(c) The commission may initiate a disciplinary action under 68 IAC 13 against a riverboat licensee, a supplier licensee, or a riverboat license applicant who violates subsection (b). (*Indiana Gaming Commission; 68 IAC 5-1-7; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1033; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 5-1-8 Waiver, alteration, or restriction of requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21
Affected: IC 4-33

Sec. 8. The commission may waive, alter, or restrict any requirement or procedure set forth in this rule if the commission determines that the requirement or procedure is impractical or burdensome and the waiver, alteration, or restriction is in the best interest of the public and the gaming industry and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure. (*Indiana Gaming Commission; 68 IAC 5-1-8; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1034; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 2. Persons other than Publicly Traded Corporations

68 IAC 5-2-1 Approval required

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21
Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees, supplier licensees, and riverboat license applicants that are persons other than publicly traded corporations.

(b) The following definitions apply throughout this rule:

(1) "Applicant" means a person who is seeking a determination of suitability to hold an ownership interest in a riverboat licensee, a supplier licensee, or a riverboat license applicant.

(2) "Publicly traded corporation" means the following:

(A) Any person, other than an individual, that:

- (i) has one (1) or more classes of voting securities registered under Section 12 of the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.);
- (ii) issues securities and is subject to Section 15(d) of the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.); or
- (iii) has one (1) or more classes of voting securities exempted from the registration requirements of Section 5 of the Securities Act of 1933 (15 U.S.C. 78a et seq.) due to an exemption contained in Section 3(a)(10), 3(a)(11), or 3(c) of the Securities Act of 1933 (15 U.S.C. 78a et seq.);

or any other company required to file under the Securities and Exchange Act of 1934.

(B) Any person, other than an individual, created under the laws of a foreign country that:

- (i) has one (1) or more classes of voting securities registered on that country's securities exchange or over-the-counter market; and
- (ii) the commission has determined that the business entity's activities are regulated in a manner that protects the investors and Indiana.

The term includes any person, other than an individual, that has securities registered or is an issuer under this definition solely

because it guaranteed a security issued by an affiliate under a public offering and is considered by the Securities and Exchange Commission to be a co-issuer of a public offering of securities under Rule 140 of the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.).

(c) A person that is not a publicly traded corporation may transfer an ownership interest of five percent (5%) or greater in a riverboat licensee, a supplier licensee, or a riverboat license applicant only in accordance with this rule.

(d) The commission may require that any applicant for an ownership interest apply for a finding of suitability in accordance with this rule if the commission deems the finding of suitability necessary to ensure compliance with the Act and this title.

(e) The organizational documents of all riverboat licensees and riverboat license applicants that are persons other than publicly traded corporations must contain a provision that transfers of ownership interest in the person may only be made in accordance with this rule. Riverboat license applicants must comply with this subsection prior to the issuance of the interim compliance period.

(f) The organizational documents of all supplier licensees that are persons other than publicly traded corporations must contain a provision that transfers of ownership interest may only be made in accordance with this rule. Supplier licensees must comply with this subsection within forty-five (45) days of receiving a permanent supplier's license under 68 IAC 2-2. Each supplier licensee must file one (1) copy of the amended organizational documents within fifty (50) days of receiving a permanent supplier's license. (*Indiana Gaming Commission; 68 IAC 5-2-1; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1034; errata filed Apr 9, 1996, 12:15 p.m.: 19 IR 2044; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 5-2-2 Procedure for approval of transfer

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21

Affected: IC 4-33

Sec. 2. (a) An applicant for approval of a transfer of an ownership interest must complete and submit the appropriate forms prescribed by the commission. Approval for the transfer must be issued by the commission prior to the applicant obtaining an ownership interest in a riverboat owner's license, a riverboat license application, or a supplier's license.

(b) Application procedures shall be as follows:

(1) An applicant to receive an ownership interest is seeking a privilege and assumes and accepts any and all risk of adverse publicity, notoriety, embarrassment, criticism, or other action or financial loss that may occur in connection with the application process or the public disclosure of information requested. The applicant expressly waives any claim for damages that may result from the application process.

(2) Any misrepresentation or omission made with respect to the application may be grounds for denial of the application.

(3) An applicant must submit six (6) bound and three (3) unbound copies of the application for transfer of an ownership interest.

(4) An applicant must submit three (3) bound and two (2) unbound copies of the Personal Disclosure Form 1 under 68 IAC 2-3-4(d) that have been completed by the substantial owners, key persons, or other persons deemed necessary by this rule or by the commission to allow the commission to ensure that the applicant meets the statutory criteria for licensure set forth in the Act and this title.

(5) An application shall be deemed filed when the completed application forms, including:

(A) all required documents, materials, and photographs; and

(B) the application fee under section 3 of this rule;

have been submitted and the commission has stamped the application as received. A background investigation will not be initiated by the commission until a complete application is received by the commission.

(6) The completed application must be filed in the commission's office in Indianapolis, Indiana.

(7) An applicant is under a continuing duty to disclose any changes in the information submitted to the commission.

(c) An applicant to receive an interest in a riverboat licensee or a riverboat license applicant must present evidence that it meets or possesses the standards, qualifications, or criteria under 68 IAC 2-1-5(c). The applicant bears the burden of proving its qualifications.

(d) An applicant to receive an interest in a supplier licensee must present evidence that it meets or possesses the standards, qualifications, or criteria under 68 IAC 2-2-5(c). The applicant bears the burden of proving its qualifications.

(e) The riverboat licensee, riverboat license applicant, or supplier licensee that is attempting to transfer an ownership interest in the license to an applicant must submit any information deemed necessary by the commission to ensure compliance with the Act

and this title. (*Indiana Gaming Commission; 68 IAC 5-2-2; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1034; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 5-2-3 Application fees

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21
Affected: IC 4-33

Sec. 3. (a) All fees shall be submitted to the commission in the form of a certified check or cashier's check made payable to the state of Indiana.

(b) An applicant to receive an ownership interest in a riverboat license or a riverboat license applicant must pay an investigation fee in the same amount as the application fee for a riverboat owner's license established in 68 IAC 2-1-2(b) with the application.

(c) An applicant to receive an ownership interest in a supplier's license must pay an investigation fee in the same amount as the application fee for a supplier's license established in 68 IAC 2-2-2(b) with the application.

(d) The investigation fee shall be utilized to conduct the background investigation of the applicant. An additional investigation fee may be assessed to the extent that the cost of the background investigation relating to the applicant exceeds the investigation fee submitted under subsection (b) or (c). The applicant shall be advised by the executive director in writing that an additional investigation fee is required. The letter shall direct the applicant to remit an amount that the executive director has determined is necessary to complete the investigation. Once an applicant is directed to submit an investigation fee in excess of the amount set forth in subsection (b) or the amount set forth in subsection (c), the investigative team conducting the investigation on that applicant shall not finalize the report on the applicant's suitability for obtaining an ownership interest nor submit that report to the commission for consideration until the additional investigation fee is paid by the applicant.

(e) In the event an assessed investigation fee exceeds the final cost of the investigation, the excess investigation fee shall be refunded to the applicant. (*Indiana Gaming Commission; 68 IAC 5-2-3; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1035; errata filed Apr 9, 1996, 12:15 p.m.: 19 IR 2044; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 5-2-4 Denials; request for hearing

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21
Affected: IC 4-33

Sec. 4. (a) If the commission denies the application to transfer an ownership interest, it shall direct the executive director to issue a notice of denial to the applicant.

(b) A riverboat licensee, a supplier licensee, or a riverboat license applicant who is served with a notice of denial under this rule may request a hearing under 68 IAC 7-1.

(c) If the riverboat licensee, supplier licensee, or riverboat license applicant does not request a hearing within the time requirements of 68 IAC 7-1, the notice of denial becomes the final order of the commission.

(d) Unless specifically stated to the contrary, a notice of denial of application for transfer under this rule shall not constitute a finding that the applicant is not suitable for licensure. (*Indiana Gaming Commission; 68 IAC 5-2-4; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1035; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 5-2-5 Proscribed activities with respect to unsuitable persons

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21
Affected: IC 4-33

Sec. 5. (a) In refusing to grant approval for the transfer of an interest or other involvement with a riverboat licensee, a supplier licensee, or a riverboat license applicant, the commission may determine that a person is unsuitable for licensure pursuant to the Act and 68 IAC 2-1.

(b) After the commission serves a notice of denial to a riverboat licensee, a supplier licensee, or a riverboat license applicant, that person shall not do the following:

(1) Pay, to any person found to be unsuitable, any payment or distribution of any kind whatsoever.

(2) Recognize the exercise by any unsuitable person, directly or indirectly, of any ownership or control over the riverboat licensee, the riverboat license applicant, or the supplier licensee.

(3) Pay to any unsuitable person any remuneration in any form for services rendered.

(c) The commission may initiate a disciplinary action under 68 IAC 13 against a riverboat licensee, a supplier licensee, or a riverboat license applicant who violates subsection (b). (*Indiana Gaming Commission; 68 IAC 5-2-5; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1036; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 5-2-6 Waiver, alteration, or restriction of requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21

Affected: IC 4-33

Sec. 6. The commission may waive, alter, or restrict any requirement or procedure set forth in this rule if the commission determines that the requirement or procedure is impractical or burdensome and the waiver, alteration, or restriction is in the best interest of the public and the gaming industry and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure. (*Indiana Gaming Commission; 68 IAC 5-2-6; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1036; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 3. Debt Acquisition

68 IAC 5-3-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33; IC 5-14

Sec. 1. (a) This rule applies to riverboat licensees, riverboat license applicants, or affiliates thereof.

(b) A riverboat licensee, riverboat license applicant, or affiliate thereof may enter into debt transactions that total one million dollars (\$1,000,000) or more only in accordance with this rule.

(c) As used in this rule, "debt transaction" means a transaction in which the riverboat licensee, riverboat license applicant, or affiliate thereof acquires debt, including, but not limited to, the following:

(1) Bank financing.

(2) Private debt offerings.

(3) Any other transaction that results in the encumbrance of the assets.

(d) The riverboat licensee or riverboat license applicant shall stamp or otherwise mark each page of its debt transaction documents that it submits to the commission with the word "CONFIDENTIAL" if the material submitted is not subject to disclosure under IC 4-33, IC 5-14, or both. The riverboat licensee or riverboat license applicant shall, at the request of the executive director or the commission, provide a justification explaining the confidential nature of the policies and procedures. The commission or the executive director may determine that the information marked confidential is subject to disclosure under IC 4-33 and IC 5-14, or both. (*Indiana Gaming Commission; 68 IAC 5-3-1; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3300; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 5-3-2 Commission approval required; approval process

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-4-21

Sec. 2. (a) A riverboat licensee, riverboat license applicant, or affiliate thereof may not enter into any debt transaction without receiving the approval of the commission.

(b) A riverboat licensee, riverboat license applicant, or affiliate thereof shall submit, in writing, a request for approval of a debt transaction. The procedure shall be as follows:

(1) The request for approval must be submitted at least ten (10) days before a scheduled meeting of the commission. The executive director shall place the request for approval of a debt transaction on the agenda of the commission meeting to be held under 68 IAC 2-1-5.

- (2) A representative of the riverboat licensee, riverboat license applicant, or affiliate thereof shall be present at the commission meeting to answer any questions posed by the commission or the executive director.
- (3) The approval of the debt transaction will be discussed, and a decision issued by the commission, at the next business meeting of the commission held under 68 IAC 2-1-5.
- (c) The request for approval of a debt transaction shall contain, at a minimum, the following information:
 - (1) The names and addresses of all parties to the debt transaction.
 - (2) The amount of the funds involved.
 - (3) The type of debt transaction.
 - (4) The source of the monies obtained by the riverboat licensee, riverboat license applicant, or affiliate thereof.
 - (5) All sources of collateral.
 - (6) The purpose of the debt transaction.
 - (7) The terms of the debt transaction.
 - (8) All filings that must be submitted to any regulatory agency in association with the debt transaction.
 - (9) An executive summary of the debt transaction.
 - (10) A legal opinion that the debt transaction does not violate IC 4-33-4-21.
 - (11) Any other information deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(Indiana Gaming Commission; 68 IAC 5-3-2; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3300; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 5-3-3 Due diligence

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 3. The riverboat licensee, riverboat license applicant, or affiliate thereof shall perform due diligence to ensure that each person the riverboat licensee, riverboat license applicant, or affiliate thereof enters into a debt transaction with would be suitable for licensure under the Act and this title. *(Indiana Gaming Commission; 68 IAC 5-3-3; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3300; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 5-3-4 Denial of approval of debt transaction

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 4. If the commission or, if authorized by the commission, the executive director denies approval of a debt transaction, the riverboat licensee, riverboat license applicant, or affiliate thereof may not enter into the debt transaction. *(Indiana Gaming Commission; 68 IAC 5-3-4; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3301; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 5-3-5 Violation of rule

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 5. If a riverboat licensee, riverboat license applicant, or affiliate thereof fails to comply with this rule, the commission may initiate a disciplinary action under 68 IAC 13-1. *(Indiana Gaming Commission; 68 IAC 5-3-5; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3301; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 5-3-6 Waiver, alteration, or restriction of requirement

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 6. The executive director or the commission may waive, alter, or restrict any requirement or procedure set forth in this

rule if the executive director or the commission determines the following:

- (1) The requirement or procedure is impractical or burdensome and the waiver, alteration, or restriction is in the best interest of the public and the gaming industry.
- (2) The waiver of the requirement or procedure is not outside the technical requirements necessary to serve the purpose of the requirement or procedure.

(Indiana Gaming Commission; 68 IAC 5-3-6; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3301; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 5-3-7 Reports by the executive director

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 7. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to debt transactions at the next meeting held under 68 IAC 2-1-5. The commission may direct the executive director to take additional or different action. *(Indiana Gaming Commission; 68 IAC 5-3-7; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3301; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

ARTICLE 6. EXCLUSION AND EVICTION OF PERSONS

Rule 1. Exclusion List

68 IAC 6-1-1 Duty to exclude

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-4-7

Sec. 1. (a) No excluded person shall be permitted entry into any portion of a riverboat gambling operation. When a person is placed on the commission exclusion list by the executive director, such person shall be prohibited from entering any riverboat gambling operation in Indiana unless and until a determination is made by the commission or a court to the contrary.

(b) The riverboat licensee or the riverboat licensee's agents shall exclude or eject any excluded person from a riverboat gambling operation if the riverboat licensee or the riverboat licensee's agents know or reasonably should know that the person is on the exclusion list.

(c) The riverboat licensee or the riverboat licensee's agents shall inform the executive director or authorized agent of the commission in writing of the names of persons that the riverboat licensee reasonably believes meet the criteria for placement on an exclusion list.

(d) This rule does not preclude a riverboat licensee from evicting or barring a person from its riverboat gambling operation for reasons deemed necessary by the riverboat licensee. The riverboat licensee may seek to have a person it has evicted or barred from its riverboat gambling operation placed on the exclusion list. *(Indiana Gaming Commission; 68 IAC 6-1-1; filed Nov 10, 1994, 11:00 a.m.: 18 IR 506; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 6-1-2 Distribution and availability of exclusion lists

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-4-7

Sec. 2. The commission shall maintain a list of persons to be ejected or excluded from a riverboat gambling operation. The exclusion list shall be a public record. The list shall be distributed to each riverboat gambling operation which shall acknowledge receipt of the list in writing. The list may also be distributed to law enforcement agencies. The following information, to the extent known, shall be provided for each excluded person:

- (1) The full name and date of birth and all aliases.
- (2) A physical description.
- (3) The effective date the person's name was placed on the exclusion list.

- (4) A photograph, if available.
- (5) The person's occupation and current home and business address.
- (6) Such other information deemed necessary by the executive director to facilitate identification of the person placed on the exclusion list.

(Indiana Gaming Commission; 68 IAC 6-1-2; filed Nov 10, 1994, 11:00 a.m.: 18 IR 506; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 6-1-3 Criteria for exclusion or ejection and placement on an exclusion list

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-4-7

Sec. 3. The executive director may place a person on the exclusion list pending a hearing if such person has:

- (1) been convicted of a felony in any jurisdiction of any crime of moral turpitude or a crime involving gaming;
- (2) violated either the Act or this title;
- (3) violated or conspired to violate the provisions of the Act relating to involvement in gaming without required licenses or willful evasion of fees or taxes;
- (4) performed any act or had a notorious or unsavory reputation that would adversely affect public confidence and trust in gaming; or
- (5) is included on any valid and current exclusion list from another jurisdiction in the United States.

(Indiana Gaming Commission; 68 IAC 6-1-3; filed Nov 10, 1994, 11:00 a.m.: 18 IR 506; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 6-1-4 Procedure for entry of names on exclusion list

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-21.5; IC 4-33-4-7; IC 4-33-11-2

Sec. 4. (a) Upon a determination that a person comes under any of the criteria listed in section 3 of this rule or IC 4-33, such person may be deemed a subject for exclusion and the executive director shall file a notice of exclusion. Such notice shall include the following:

- (1) The identity of the subject.
- (2) The nature and scope of the circumstances or reasons that such person should be placed on the exclusion list.
- (3) Names of potential witnesses.
- (4) A recommendation as to whether the exclusion or ejection shall be permanent.

The notice shall also inform such person of the availability of a hearing by the commission under IC 4-33-4-7 and this rule.

(b) A request for a hearing must be made within fifteen (15) days from the date the notice of exclusion was served.

(c) When a person is excluded or ejected, such person is prohibited from further entering any riverboat gambling operation in Indiana unless and until a determination is made by the commission on the merits of a filed notice of exclusion or a requested hearing under IC 4-33-4-7. If a determination by the commission is examined under judicial review under IC 4-33-11-2 and IC 4-21.5, then the exclusion shall continue until the judicial review is completed unless otherwise ordered by the court.

(d) If the commission or a subsequent judicial review finds in favor of the subject for exclusion or excluded person, then the subject's name shall be removed from the exclusion list and the subject's exclusion shall be terminated as of the date of the action by the commission or the court. If the finding is against the subject for exclusion or the excluded person, the subject's name shall remain on the exclusion list. If no hearing is requested, the subject's name shall remain on the exclusion list.

(e) If the notice of exclusion provides for a temporary exclusion, the executive director shall set the term of the temporary exclusion. In making this time determination, the executive director may consider the recommendation of the commission staff, but in no case shall a temporary exclusion be less than six (6) months. A temporary exclusion or ejection shall only apply to those persons excluded or ejected for criteria related to conduct. All other exclusions or ejections shall be permanent. *(Indiana Gaming Commission; 68 IAC 6-1-4; filed Nov 10, 1994, 11:00 a.m.: 18 IR 507; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 6-1-5 Petition for removal from exclusion list

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-4-7

Sec. 5. Any person who has been placed on any exclusion list may petition the commission, in writing, and request that his or her name be removed from the exclusion list. The procedure outlined in this rule shall govern petitions for removal from the exclusion list. (*Indiana Gaming Commission; 68 IAC 6-1-5; filed Nov 10, 1994, 11:00 a.m.: 18 IR 507; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

Rule 2. Eviction List

68 IAC 6-2-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-3-23; IC 4-33-6

Sec. 1. (a) Each riverboat licensee shall maintain a list of evicted persons. Such list shall be comprised of persons who have been barred from a riverboat gaming operation for reasons deemed necessary by the riverboat licensee.

(b) Each riverboat licensee shall submit internal control procedures for both the eviction and the readmission of evicted persons to the executive director.

(c) Each riverboat licensee shall have in place criteria for evicting persons and placing persons on its eviction list. At minimum, the eviction criteria shall include the following behavior:

- (1) Cheating at a gambling game.
- (2) Theft.
- (3) Disorderly conduct.
- (4) Conduct that would lead the riverboat licensee to conclude that the person is a threat to the safety of other passengers, the licensee's employees, or employees and agents of the commission.
- (5) A person requests that his or her own name be placed on the riverboat licensee's eviction list.

(d) Persons shall be placed on the eviction list for a time period determined by the riverboat licensee. The time period for the eviction may be for any period of time that is not less than forty-eight (48) hours. (*Indiana Gaming Commission; 68 IAC 6-2-1; filed Jul 10, 2000, 4:46 p.m.: 23 IR 3062; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 6-2-2 Eviction form

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-3-23; IC 4-33-6

Sec. 2. (a) At the time of eviction, the riverboat licensee shall provide the evicted person with a 2-part form that has been approved by the commission and shall advise the evicted person of, at a minimum, the following information:

- (1) The reason for the eviction.
- (2) The earliest date the person may apply for readmission.
- (3) The criteria which must be satisfied for readmission.
- (4) The procedure which must be followed in order to apply for readmission.

(b) The evicted person shall sign both parts of the form. Part 1 of the form will be retained by the evicted person. Part 2 of the form will be retained by the riverboat licensee. In the event that an evicted person refuses to sign the form, the form shall be read to the evicted person, signed by a witness, and the refusal shall be noted on both parts of the form.

(c) The retained part of the form for each evicted person shall be maintained by the riverboat licensee in a place that is immediately accessible to all staff and agents of the commission. Each form shall be retained by the riverboat licensee for a period of not less than one (1) year after the person's eviction has expired. (*Indiana Gaming Commission; 68 IAC 6-2-2; filed Jul 10, 2000, 4:46 p.m.: 23 IR 3062; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 6-2-3 Readmission to riverboat

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-3-23; IC 4-33-6

Sec. 3. (a) Any evicted person seeking readmission to a riverboat gaming operation must submit a written request for readmission to the riverboat licensee.

(b) Each riverboat licensee shall establish written policies, procedures, and criteria for the readmission of an evicted person. In establishing such policies, procedures, and criteria, each licensee shall take into account the following information:

- (1) The reason for the eviction.
- (2) The past history of the evicted person.
- (3) Any outstanding criminal charges arising from the events that led to the eviction.
- (4) Any outstanding debt owed to the riverboat licensee by the evicted person.

(c) Each riverboat licensee shall submit internal control procedures covering readmission approval for evicted persons to the executive director. Readmission shall be approved, at minimum, by the following riverboat licensee officials:

- (1) The general manager.
- (2) The security director.
- (3) The financial director.

(Indiana Gaming Commission; 68 IAC 6-2-3; filed Jul 10, 2000, 4:46 p.m.: 23 IR 3062; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 6-2-4 Eviction list

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-3-23; IC 4-33-6

Sec. 4. (a) Each riverboat licensee's eviction list shall include the following information, to the extent known, for all evicted persons:

- (1) Name, including aliases.
- (2) Date of birth.
- (3) A physical description.
- (4) The person's current address.
- (5) A photograph, to be taken at the time of eviction.
- (6) Reason for eviction.

(b) Each riverboat licensee's eviction list shall list evicted persons in alphabetical order, by the last name of the evicted person.

(c) Copies of each riverboat licensee's eviction list shall be accessible to, at minimum, the following departments of the riverboat licensee:

- (1) Ticketing.
- (2) Reservations.
- (3) Security.
- (4) Surveillance.
- (5) Accounting.
- (6) Marketing.
- (7) Casino or table games operations.
- (8) Slot operations.

(d) A copy of the riverboat licensee's eviction list shall be provided to the commission agent assigned to the riverboat licensee.

Any additions or deletions to the eviction list must be reported immediately to the commission agent assigned to the riverboat licensee. *(Indiana Gaming Commission; 68 IAC 6-2-4; filed Jul 10, 2000, 4:46 p.m.: 23 IR 3063; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

Rule 3. Voluntary Exclusion Program

68 IAC 6-3-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to riverboat licensees, riverboat license applicants, operating agents, operating agent applicants, owners of facilities under the jurisdiction of the commission, and all persons on riverboats where gambling operations are conducted.

(b) The following definitions apply throughout this rule:

(1) "Request for removal" means a request submitted by a voluntarily excluded individual stating that the individual wishes to be removed from the voluntary exclusion list.

(2) "Request for voluntary exclusion" means a request completed by an individual for placement on the voluntary exclusion list.

(3) "Voluntarily excluded person" means a person who has successfully completed the procedures outlined in this rule to effectuate his or her own exclusion from the gaming areas of facilities under the jurisdiction of the commission.

(4) "Voluntary exclusion list" means a list of names of persons and necessary identifying information of individuals who have elected to voluntarily exclude themselves from the gaming areas of facilities under the jurisdiction of the commission.

(c) Nothing in this rule shall prohibit anyone on the voluntary exclusion list from accessing the gaming areas of a facility under the jurisdiction of the commission for the purpose of carrying out the duties of their employment. An individual who is on the voluntary exclusion list who is hired by a facility under the jurisdiction of the commission must notify the commission office in Indianapolis prior to starting the job. The individual must provide the following information:

(1) Name.

(2) Date of birth.

(3) Name of the facility with which the voluntarily excluded individual will be employed.

(d) Nothing in this rule shall prohibit a riverboat licensee or operating agent from following the procedures outlined in 68 IAC 6-2 to evict a voluntarily excluded person. (*Indiana Gaming Commission; 68 IAC 6-3-1; filed Mar 22, 2004, 3:30 p.m.: 27 IR 2440*)

68 IAC 6-3-2 Request for placement on the voluntary exclusion list

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) Except as provided in section 1(c) of this rule, a person who participates in the voluntary exclusion program agrees to refrain from entering a gaming area under the jurisdiction of the commission.

(b) Any person may make a request to have his or her name placed on the voluntary exclusion list by following the procedures set forth in this section. The request may be made only by the individual and not by any other person. An individual must not be under the influence of alcohol or drugs at the time he or she makes a request for placement on the voluntary exclusion list.

(c) Any person requesting placement on the voluntary exclusion list must submit a completed request for voluntary exclusion as outlined in subsection (d). The individual must appear in person at a commission office or another location designated by the executive director to complete the request for voluntary exclusion. Commission offices are located on the property of each facility under the jurisdiction of the commission in addition to an office located in Indianapolis that is not located on the property of a facility under the jurisdiction of the commission.

(d) A request for voluntary exclusion must be on a form prescribed by the commission and shall include the following information:

(1) Identifying information, including, but not limited to, the following:

(A) Name, including any aliases or nicknames.

(B) Date of birth.

(C) Current residential address.

(D) Current telephone number.

(E) Social Security number.

(F) A physical description, including height, weight, gender, hair color, eye color, and any other physical characteristic that may assist in the identification of the person.

(G) A photograph of the individual that will be taken by commission agents at the time the request for voluntary

exclusion is submitted.

(H) Driver's license number.

(I) Any other information deemed necessary by the commission.

(2) As part of the request for voluntary exclusion, a person must elect the time period for which he or she wishes to be voluntarily excluded. An individual may select any of the following time periods as a minimum length of exclusion:

(A) One (1) year.

(B) Five (5) years.

(C) Lifetime.

After an individual's request for voluntary exclusion has been processed by the commission staff and the individual's name is added to the voluntary exclusion list, that individual may not apply to decrease the length of exclusion. A voluntarily excluded individual who elected to participate in the program for a period of one (1) year or five (5) years may resubmit a request for voluntary exclusion at any time to increase the minimum length of exclusion. An individual who voluntarily excluded for a period of one (1) year or five (5) years will continue to appear on the list after the expiration of that time period until such time as he or she completes a request for removal under section 5 of this rule.

(3) The form shall also include a waiver and release, which shall release and forever discharge the state, the commission, and its employees and agents from any liability to the person requesting placement on the voluntary exclusion list and his or her heirs, administrators, executors, and assigns for any harm, monetary or otherwise, that may arise out of or by reason of any act or omission relating to the request for placement on the voluntary exclusion list or request for removal from the voluntary exclusion list including the following:

(A) The list's processing or enforcement.

(B) The failure of a riverboat licensee or operating agent to withhold direct marketing, check cashing, or extension of credit to a voluntarily excluded individual.

(C) Disclosure of information contained in the voluntary exclusion request or list, except for willfully unlawful disclosure of such information to persons other than entities under the jurisdiction of the commission.

(D) The dissemination of confidential information contained on the exclusion list by facilities under the jurisdiction of the commission to any party not authorized to receive the information.

(4) The form must also contain the signature of the person submitting the request for voluntary exclusion indicating acknowledgement of the following statement: "I am voluntarily requesting exclusion from the gaming areas at all facilities under the jurisdiction of the Indiana Gaming Commission. I certify that the information that I have provided above is true and accurate, and that I have read and understand and agree to the waiver and release included in this request for placement on the voluntary exclusion list. I am aware that my signature below authorizes the commission to direct all Indiana riverboat licensees and operating agents to restrict my gaming activities in accordance with this request. If I have requested to be excluded for life, I am aware that I will be unable to cause my name to be removed from the voluntary exclusion list. If I have elected to be placed on the list for a period of one (1) or five (5) years, I am aware that I will remain on the list until such time as the commission removes my name from the voluntary exclusion list in response to my written request certifying that I do not suffer from a gambling problem. I am aware and agree that during any period of exclusion, I shall not collect any winnings or recover any losses resulting from any gaming activity at all gaming facilities under the jurisdiction of the commission. I understand that any money or thing of value obtained by me from, or owed to me by, a riverboat licensee or operating agent as a result of wagers made by me while on the voluntary exclusion list shall be subject to forfeiture."

(5) The form will also contain as an attachment a copy of the identification credentials or driver's license examined by a commission agent at the time the request for voluntary exclusion is made, containing the signature of the person requesting placement on the voluntary exclusion list.

(6) The signature of a commission agent, employee, or other person authorized by the executive director to accept the request for voluntary exclusion, indicating that the signature, physical description, and identity of the person on the request for voluntary exclusion agrees with the identification provided by that individual.

(e) The personal information of a person who participates in the voluntary exclusion program is confidential. An individual who elects to participate in the program must agree that in order to enforce the voluntary exclusion program, facilities under the jurisdiction of the commission must have access to the individual's personal information. Prior to placement on the voluntary exclusion list, an individual shall authorize the commission staff to provide the following necessary identifying information to the facilities under the jurisdiction of the commission on his or her behalf and for purposes of enforcement:

- (1) Name, including any aliases or nicknames.
- (2) Date of birth.
- (3) Current residential address.
- (4) Current telephone number.
- (5) A physical description, including height, weight, gender, hair color, eye color, and any other physical characteristic that may assist in the identification of the person.
- (6) A photograph of the individual that will be taken by commission agents at the time of voluntary exclusion.
- (7) Driver's license number.
- (f) A voluntarily excluded individual shall have the following ongoing obligations regarding the voluntary exclusion list:
 - (1) Refrain from entering the gaming areas of riverboats and other facilities under the jurisdiction of the commission until such time as a request for removal has been processed by the commission.
 - (2) Each time the personal information of a voluntarily excluded individual changes, he or she must provide the commission with the updated information.
 - (3) Notify the commission if direct mailing items are received addressed to a voluntarily excluded person at his or her residence.

(g) A voluntarily excluded individual who violates the terms of the voluntary exclusion list and enters the gaming area of a facility under the jurisdiction of the commission agrees to forfeit any jackpot or thing of value won as a result of a wager made at a facility under the jurisdiction of the commission. The forfeited jackpots or items will be withheld by the riverboat licensee or operating agent and remitted to the commission. The commission shall collect such items and funds as a fine levied against the voluntarily excluded individual for violating this rule. Voluntarily excluded individuals may appeal a forfeiture under this rule by following the procedures outlined in 68 IAC 7.

(h) Voluntarily excluded individuals agree to forfeit all points or complimentaries earned by the individual on or before the individual completes his or her request for placement on the voluntary exclusion list. Points or complimentaries refer to credits earned by a person under the terms of a riverboat licensee's or operating agent's marketing program as approved by the commission, and shall include, but shall not be limited to:

- (1) food coupons;
- (2) coupons or vouchers for chips or tokens;
- (3) hotel complimentaries; or
- (4) any other such noncash benefit owing to the individual.

However, if at the time an individual makes a request for placement on the voluntary exclusion list he or she is owed a cash amount from a riverboat licensee or operating agent, the individual shall have the right to receive that amount from the riverboat licensee or operating agent after placement on the voluntary exclusion list. To the extent that complimentaries or points described above may be redeemed for cash under the riverboat licensee's or operating agent's marketing program, the individual shall be entitled to receive that amount.

(i) Nothing in this rule shall prohibit a riverboat licensee or operating agent from alerting local law enforcement authorities of a voluntarily excluded person's presence in a facility under the jurisdiction of the commission to effect an arrest for trespassing. (*Indiana Gaming Commission; 68 IAC 6-3-2; filed Mar 22, 2004, 3:30 p.m.: 27 IR 2440; errata filed Jul 9, 2004, 2:21 p.m.: 27 IR 3580*)

68 IAC 6-3-3 Voluntary exclusion list

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) The executive director or his or her designee shall maintain the voluntary exclusion list, which shall contain the names and personal information of the persons participating in the program. Such persons shall be excluded from gaming areas at all facilities under the jurisdiction of the commission. The executive director or his or her designee shall notify each riverboat licensee or operating agent of each facility under the jurisdiction of the commission of each addition to the list or deletion from the list in a timely manner.

(b) The voluntary exclusion list is confidential and may be disseminated only to a riverboat licensee or operating agent for purposes of enforcement or to any other entity designated by statute. (*Indiana Gaming Commission; 68 IAC 6-3-3; filed Mar 22,*

2004, 3:30 p.m.: 27 IR 2442; errata filed Jul 9, 2004, 2:21 p.m.: 27 IR 3580)

68 IAC 6-3-4 Rights and duties of riverboat licensees and operating agents

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) Each riverboat licensee, riverboat license applicant, operating agent, and operating agent applicant shall establish internal control procedures for compliance with this rule, which shall be submitted and approved by the commission under 68 IAC 11-1-3.

(b) The internal controls must, at a minimum, address the following:

(1) Procedures must provide a plan for distributing the list of persons who have voluntarily excluded and their personal information to appropriate personnel of the facility for purposes of enforcing the program. The plan must allow, to a reasonable extent, appropriate employees of a riverboat licensee or operating agent to identify a voluntarily excluded person when that person is present in a casino or other facility under the jurisdiction of the commission. Such information shall not be released to casinos in other jurisdictions. However, nothing in this rule shall prohibit a riverboat licensee or operating agent from effectuating the eviction of a voluntarily excluded person from other properties within their corporate structure so that the person will be denied gaming privileges at casinos under the same parent company in other jurisdictions.

(2) Must provide a process whereby commission agents and security and surveillance are notified immediately when a voluntarily excluded person is detected in the gaming area of a facility.

(3) Must refuse wagers from and deny gaming privileges to any individual who the casino knows to be a voluntarily excluded person.

(4) Make all reasonable attempts to ensure that voluntarily excluded persons do not receive direct marketing. A riverboat licensee or operating agent will satisfy this requirement if the riverboat licensee or operating agent removes the individual's name from the list of patrons to whom direct marketing materials are sent, and the individual does not receive direct marketing materials more than forty-five (45) days after the riverboat licensee receives notice, under section 3(a) of this rule, that the individual has appeared on the voluntary exclusion list.

(5) Ensure that voluntarily excluded persons do not receive check cashing privileges or extensions of credit, whether directly through the riverboat licensee or operating agent, or through a supplier contracting with a riverboat licensee or operating agent on property hired for the purpose of check cashing or extension of credit, or both.

(c) Nothing in this rule shall prohibit a riverboat licensee or operating agent from seeking payment of a debt from a voluntarily excluded person if the debt was accrued by a person before his or her name was placed on the voluntary exclusion list.

(d) A riverboat licensee or operating agent shall post signs at the turnstiles marking the entrance to the gaming area that will inform and educate patrons about the voluntary exclusion program. The text that will appear on the signs must be submitted to the commission staff for approval prior to posting.

(e) A riverboat licensee or operating agent shall be subject to disciplinary action under 68 IAC 13 for failure to comply with the requirements of this section and the internal control procedures outlined pursuant to this section, including, but not limited to, the following:

(1) Release of confidential information for a purpose other than enforcement.

(2) Knowingly refusing to withhold direct marketing, check cashing, and credit privileges.

(3) Failure to follow internal control procedures adopted under this rule.

(Indiana Gaming Commission; 68 IAC 6-3-4; filed Mar 22, 2004, 3:30 p.m.: 27 IR 2442)

68 IAC 6-3-5 Removal from voluntary exclusion list

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. (a) This section does not apply to those voluntarily excluded individuals who elected lifetime exclusion under section 2(d) of this rule.

(b) A person may, upon the expiration of the selected term of voluntary exclusion, request removal of his or her name from the voluntary exclusion list. A person making a request for removal must do so by presenting to a commission office or other

location designated by the executive director and declaring, in writing, on a form provided by the commission, the intent to remove his or her name from the voluntary exclusion list.

(c) A request for removal from the voluntary exclusion list shall contain the following information:

(1) Name, including aliases or nicknames.

(2) Date of birth.

(3) Address of current residence.

(4) Telephone number of current residence.

(5) The signature of the person requesting removal from the voluntary exclusion list indicating acknowledgement of the following statement: "I certify that the information that I have provided above is true and accurate. I am aware that my signature below constitutes a revocation of my previous request for placement on the voluntary exclusion list, and I authorize the commission to permit all Indiana riverboat licensees or other facilities under the jurisdiction of the commission to reinstate my gaming privileges."

(6) The signature of the commission agent or other individual authorized by the executive director to accept a request for removal, verifying that the individual requesting removal is the voluntarily excluded individual.

(d) Upon receipt of a request for removal, the commission shall effectuate the removal of the name of the individual requesting removal from the voluntary exclusion list. The commission shall act upon a request for removal within thirty (30) days of receipt of such request.

(e) The commission shall notify each riverboat licensee or operating agent each time an individual is removed from the voluntary exclusion list. Once an individual's name has been removed from the voluntary exclusion list, nothing in this rule shall prohibit a riverboat licensee or operating agent from marketing directly to that individual, cashing checks of such a person, or extending credit to the individual. (*Indiana Gaming Commission; 68 IAC 6-3-5; filed Mar 22, 2004, 3:30 p.m.: 27 IR 2443*)

ARTICLE 7. DENIAL AND EXCLUSION HEARINGS

Rule 1. General Provisions

68 IAC 7-1-1 Coverage of rule

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3; IC 4-33-3-23; IC 4-33-4-7; IC 4-33-4-17; IC 4-33-6-1; IC 4-33-7-1; IC 4-33-8-2

Sec. 1. (a) A person whose application for a license or a transfer of ownership has been denied or has not been renewed under IC 4-33-6-1, IC 4-33-7-1, or IC 4-33-8-2, or who has been placed on an exclusion list under IC 4-33-4-7, may request a hearing under IC 4-33-4-17.

(b) As used in this rule, "petitioner" refers to the person whose application has been denied by the commission, whose license has not been renewed, whose request for transfer of ownership has been denied, or who has been placed on the exclusion list.

(c) The petitioner shall submit an original and two (2) copies of any request, pleading, or other written document submitted to the commission or the hearing officer, or both.

(d) The petitioner must attach a certificate of service to each pleading. The certificate of service shall indicate that the pleading has been served on each attorney or party of record.

(e) An action involving a denial, nonrenewal, or exclusion hearing under this rule must also comply with IC 4-21.5-3. (*Indiana Gaming Commission; 68 IAC 7-1-1; filed Nov 10, 1994, 11:00 a.m.: 18 IR 507; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 7-1-2 Requests for hearings

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3-1; IC 4-21.5-3-24; IC 4-33-4-7; IC 4-33-4-17; IC 4-33-8-3

Sec. 2. (a) A request for hearing shall meet the following requirements:

(1) Be in writing.

(2) State the name, current address, and current telephone number of the petitioner.

(3) State in detail the reasons why and the facts upon which the petitioner will rely to show that the petitioner's application

for a license should not have been denied, the license should have been renewed, the transfer of ownership should have been approved, or the petitioner should not have been placed on the exclusion list, including specific responses to any facts enumerated in the commission's notice of denial, notice of nonrenewal, or notice of exclusion.

(4) All requests for hearing shall be signed, verified, and dated by the petitioner. Such verification shall be notarized and shall include a certification stating, "Under the penalty of perjury, the undersigned has examined this request for hearing and to the best of my knowledge and belief, it is true, complete, and correct."

(b) A request for hearing shall be submitted within ten (10) days after service of the notice of denial or notice of nonrenewal. A request for hearing shall be submitted within fifteen (15) days after service of the notice of exclusion. A petitioner who has been denied an occupational license due to a felony conviction under IC 4-33-8-3 must have first undergone a review under 68 IAC 2-4. The request for hearing shall meet the following requirements:

(1) The petitioner may submit a request for hearing in accordance with IC 4-21.5-3-1.

(2) A request for a hearing must be submitted to the executive director at the commission's office in Indianapolis, Indiana.

(3) A request for a hearing submitted by certified mail or overnight express mail shall be deemed timely submitted if it is postmarked no later than ten (10) days after service of a notice of denial or notice of nonrenewal, or fifteen (15) days after service of a notice of exclusion in accordance with the Act.

(c) A request for a hearing shall be deemed granted unless denied. The commission may deny a request for hearing if the statement of reasons and facts does not establish a prima facie case.

(d) Once a request for a hearing is granted, the executive director shall assign a title and case number to the matter.

(e) A request for a hearing may not be withdrawn or voluntarily dismissed if the commission determines that withdrawal or voluntary dismissal is not in the best interest of the public and the gaming industry. If the commission allows a petitioner to withdraw a hearing request, the initial denial, nonrenewal, or placement on the exclusion list becomes a final commission order.

(f) The commission shall appoint a commission member or an administrative law judge to conduct a hearing in accordance with this rule. The petitioner shall be served with a copy of the letter of appointment, and such letter shall serve as notice of the pendency of the hearing. The hearing officer who is to conduct the hearing shall establish a hearing date and notify the parties thereof. The hearing officer may hold prehearing conferences to resolve discovery disputes or any other matters.

(g) Default judgment or dismissal may result at any stage of the proceeding in accordance with IC 4-21.5-3-24. If a party fails to take action for which it is responsible for a period of sixty (60) days, default judgment shall be entered against the party or the case shall be dismissed. (*Indiana Gaming Commission; 68 IAC 7-1-2; filed Nov 10, 1994, 11:00 a.m.: 18 IR 507; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2249; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 7-1-3 Appearances; service

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3; IC 4-33-3-23; IC 4-33-4-7; IC 4-33-4-17

Sec. 3. A petitioner may represent himself or herself or may be represented by an attorney or representative who is in compliance with 68 IAC 1-6. Service shall be made in accordance with 68 IAC 1-6-4(c). (*Indiana Gaming Commission; 68 IAC 7-1-3; filed Nov 10, 1994, 11:00 a.m.: 18 IR 508; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 7-1-4 Discovery

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-3-23; IC 4-33-4-7; IC 4-33-4-17; IC 4-33-6-1; IC 4-33-7-1; IC 4-33-8-2

Sec. 4. (a) Upon written request served on a party, the requesting party shall be entitled to the following:

(1) The name and address of any witness who may be called to testify on behalf of a party. The parties shall be under a continuing duty to update this list.

(2) All documents or other materials in the possession or control of a party which the party reasonably expects will be necessary to introduce into evidence. The petitioner's burden of production includes those documents the petitioner reasonably expects to introduce into evidence either in the petitioner's case-in-chief or rebuttal. Rebuttal documents, to the extent that they are not immediately identifiable, shall be tendered to the respondent within two (2) weeks after receipt of documents tendered to petitioner by respondent unless additional time is granted by the hearing officer.

(b) Discovery may be obtained in accordance with rule 28(F) of the Indiana Rules of Trial Procedure. Witnesses and documents responsive to a proper request for production that were not produced shall be excluded from the hearing and additional sanctions or penalties may be imposed.

(c) The parties shall make every effort to resolve disputes regarding discovery. Disputes that are unresolved may be brought to the hearing officer for resolution via:

- (1) a motion to compel;
- (2) motion for protective order; or
- (3) other appropriate motion;

under the Indiana Rules of Trial Procedure. The disputed discovery is stayed during the pendency of such motion unless the hearing officer orders discovery to continue. Discovery shall be stayed for a period of not more than ten (10) days. The hearing officer may extend the time during which discovery is stayed upon a showing of good cause. The filing of such a motion shall not extend the time to complete discovery, nor provide cause for a continuance of the hearing on the merits, unless the hearing officer orders an extension or continuance. (*Indiana Gaming Commission; 68 IAC 7-1-4; filed Nov 10, 1994, 11:00 a.m.: 18 IR 508; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 7-1-5 Subpoenas

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3-22; IC 4-33-3-23; IC 4-33-4-7; IC 4-33-4-17; IC 4-33-6-1; IC 4-33-7-1; IC 4-33-8-2

Sec. 5. All subpoenas shall be issued in accordance with IC 4-21.5-3-22. (*Indiana Gaming Commission; 68 IAC 7-1-5; filed Nov 10, 1994, 11:00 a.m.: 18 IR 509; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2250; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 7-1-6 Prehearing conferences

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3; IC 4-33-3-23; IC 4-33-4-7; IC 4-33-4-17; IC 4-33-6-1; IC 4-33-8-2

Sec. 6. A hearing officer shall schedule a prehearing conference at the request of either party or on the hearing officer's own initiative on any matters deemed necessary to facilitate the denial, nonrenewal, or exclusion hearing. (*Indiana Gaming Commission; 68 IAC 7-1-6; filed Nov 10, 1994, 11:00 a.m.: 18 IR 509; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 7-1-7 Motions for summary judgment and other appropriate motions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3; IC 4-33-3-23; IC 4-33-4-7; IC 4-33-4-17; IC 4-33-6-1; IC 4-33-7-1; IC 4-33-8-2

Sec. 7. (a) The hearing officer may recommend a directed finding or summary judgment upon the filing of an appropriate motion by any party. These motions shall be made in compliance with the Indiana Rules of Trial Procedure and IC 4-21.5-3.

(b) The hearing officer may hear arguments on the motion for summary judgment or other appropriate motion. The hearing officer may require the parties to brief their positions in support of or against the motion for summary judgment or other appropriate motion. (*Indiana Gaming Commission; 68 IAC 7-1-7; filed Nov 10, 1994, 11:00 a.m.: 18 IR 509; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 7-1-8 Depositions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-3-23; IC 4-33-4-7; IC 4-33-4-17; IC 4-33-6-1; IC 4-33-7-1; IC 4-33-8-2

Sec. 8. All depositions must be conducted in accordance with the Indiana Rules of Trial Procedure. (*Indiana Gaming Commission; 68 IAC 7-1-8; filed Nov 10, 1994, 11:00 a.m.: 18 IR 510; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 7-1-9 Continuances

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-3-23; IC 4-33-4-7; IC 4-33-4-17; IC 4-33-6-1; IC 4-33-7-1; IC 4-33-8-2

Sec. 9. (a) A motion to continue a hearing or deposition must be made at least ten (10) days before the hearing or deposition date unless the requesting party can show good cause.

(b) Continuances may be granted by the hearing officer upon a showing of good cause.

(c) The hearing officer may order a continuance of a hearing on the hearing officer's own initiative. (*Indiana Gaming Commission; 68 IAC 7-1-9; filed Nov 10, 1994, 11:00 a.m.: 18 IR 510; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 7-1-10 Proceedings

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3; IC 4-33-3-23; IC 4-33-4-7; IC 4-33-4-17; IC 4-33-6-1; IC 4-33-7-1; IC 4-33-8-2

Sec. 10. (a) The burden of proof is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing by a preponderance of the evidence that:

- (1) the petitioner should have been awarded a license;
- (2) the license should have been renewed;
- (3) the transfer of ownership should have been approved; or
- (4) the petitioner should not have been placed on the exclusion list.

(b) Any testimony shall be given under oath or affirmation. The hearing officer or recorder shall be authorized to administer oaths.

(c) Both parties may present an opening statement on the merits. The petitioner proceeds first followed by the respondent. The respondent may not reserve opening statement for a later time. The hearing officer may determine the length of time each party is permitted for the presentation of an opening statement.

(d) The petitioner shall then present the petitioner's case-in-chief.

(e) Upon conclusion of the petitioner's case-in-chief, the respondent may move for a directed finding. The hearing officer may hear arguments on the motion or may grant, deny, or reserve any decision thereon, with or without argument.

(f) If no motion for directed finding is made, or, if such motion is denied or decision reserved thereon, the respondent may present its case.

(g) Each party may conduct cross-examination of adverse witnesses.

(h) Upon conclusion of the respondent's case, the petitioner may present evidence in rebuttal.

(i) The hearing officer may ask questions of the witnesses and may request or allow additional evidence at any time, including additional rebuttal evidence.

(j) Both parties may present closing argument. The petitioner proceeds first, then the respondent, and, thereafter, the petitioner may present rebuttal argument. The hearing officer may determine the length of time each party is permitted for the presentation of closing argument.

(k) The hearing officer may require or allow the parties to submit posthearing briefs, proposed findings of fact and conclusions of law, or both within ten (10) days of the conclusion of the hearing or within such other time period the hearing officer might order. (*Indiana Gaming Commission; 68 IAC 7-1-10; filed Nov 10, 1994, 11:00 a.m.: 18 IR 510; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2251; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 7-1-11 Evidence

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3-25; IC 4-21.5-3-26; IC 4-33-3-23; IC 4-33-4-7; IC 4-33-4-17; IC 4-33-6-1; IC 4-33-7-1; IC 4-33-8-2

Sec. 11. (a) The hearing shall be conducted in accordance with IC 4-21.5-3-25 and IC 4-21.5-3-26.

(b) A petitioner must afford the commission an opportunity to investigate and verify information or documents that the petitioner intends to offer in support of his or her case. The petitioner shall not be permitted to introduce into evidence any information or documents that the commission has not been afforded the opportunity to investigate and verify.

(c) The parties shall, to the fullest extent possible, stipulate all matters that are not or should not be in dispute.

(d) The parties may make objections to evidentiary offers. When an objection is made, the hearing officer may receive the disputed evidence subject to a ruling at a later time.

(e) The hearing officer may take official notice of any generally accepted information or technical or scientific matter within the field of gaming and any other fact that may be judicially noticed by courts of Indiana. The parties shall be informed of any information, matters, or facts so noticed and shall be given reasonable opportunity to refute such evidence. (*Indiana Gaming Commission; 68 IAC 7-1-11; filed Nov 10, 1994, 11:00 a.m.: 18 IR 510; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2251; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 7-1-12 Prohibition on ex parte communication

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3; IC 4-33-3-23; IC 4-33-4-7; IC 4-33-4-17; IC 4-33-6-1; IC 4-33-7-1; IC 4-33-8-2

Sec. 12. A party or its representative shall not communicate directly or indirectly with the hearing officer regarding any pending matter, except upon notice and opportunity for all parties to participate. A party who does have ex parte communication with the hearing officer may be subject to the sanctions and penalties set forth in section 13 of this rule. (*Indiana Gaming Commission; 68 IAC 7-1-12; filed Nov 10, 1994, 11:00 a.m.: 18 IR 511; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 7-1-13 Sanctions and penalties

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3; IC 4-33-3-23; IC 4-33-4-7; IC 4-33-4-17; IC 4-33-6-1; IC 4-33-7-1; IC 4-33-8-2

Sec. 13. (a) The hearing officer may impose sanctions and penalties if the hearing officer finds that a party has acted in bad faith, for the purpose of delay, or has otherwise abused the hearing process. Such sanctions and penalties include but are not limited to, default judgment or directed finding on one (1) or more issues, or a fine.

(b) If a petitioner fails to testify on his or her own behalf with respect to any question propounded to him or her, the hearing officer may infer therefrom that such testimony or answer would have been adverse to the case of the party refusing to testify.

(c) If the petitioner or its agent fails to answer a subpoena or refuses to testify fully at the request of the commission, such failure may be deemed independent grounds for a finding that the petitioner should have been denied a license or the transfer of ownership. The hearing officer may also infer therefrom that such testimony would have been adverse to the petitioner.

(d) The unexcused failure of the petitioner to appear at a hearing shall constitute an admission of all matters and facts contained in the notice of denial, nonrenewal, or placement on the exclusion list. In such case, the hearing officer may take action based upon such admission or upon any other evidence, including affidavits, without any further notice to the petitioner. (*Indiana Gaming Commission; 68 IAC 7-1-13; filed Nov 10, 1994, 11:00 a.m.: 18 IR 511; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 7-1-14 Transmittal of record and recommendation to the commission

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3; IC 4-33-3-23; IC 4-33-4-7; IC 4-33-4-17; IC 4-33-6-1; IC 4-33-7-1; IC 4-33-8-2

Sec. 14. (a) The record shall consist of those items set forth in IC 4-21.5-3-33.

(b) Oral proceedings involving contested issues shall be recorded stenographically or by such other means as to adequately ensure the preservation of such testimony or oral proceedings and shall be transcribed on request of any party. The transcript shall be paid for by the requesting party.

(c) Within ninety (90) days of the conclusion of the hearing, or the submission of posthearing briefs or proposed findings of fact under section 10(k) of this rule, the hearing officer shall issue to the commission, and to the parties, written findings of fact, conclusions of law, and recommendations. Findings of fact shall be based exclusively on testimony, evidence, and matters within the record. The findings of fact shall be stated separately and be in accordance with IC 4-21.5-3-27 and IC 4-21.5-3-28. The parties may file objections to the written findings of fact, conclusions of law, and recommendations issued by the hearing officer in accordance with IC 4-21.5-3-29.

(d) Requirements for a final commission order shall be as follows:

(1) The commission shall review the entire record and shall render a written order, including the basis for its decision. The commission may require that the parties present oral argument before the commission. The commission may take any of the following actions:

(A) The commission may affirm the written recommendations, findings of fact, and conclusions of law submitted by the hearing officer as its final commission order.

(B) The commission may modify the written recommendations, findings of fact, and conclusions of law submitted by the hearing officer.

(C) The commission may dissolve the written recommendations, findings of fact, and conclusions of law submitted by the hearing officer.

(D) The commission may remand the matter, with instructions, to the hearing officer for further proceedings.

(E) In the absence of an objection or notice by the commission to review any issue relating to the written recommendations, findings of fact, and conclusions of law submitted by the hearing officer, the commission shall affirm the written recommendations, findings of fact, and conclusions of law.

(F) The written order shall be issued by the commission, or the proceeding shall be remanded to the hearing officer for further proceedings within sixty (60) days of the latter of:

(i) the date that the written recommendations, findings of fact, and conclusions of law were issued under subsection (c);

(ii) the receipt of briefs or proposed findings of fact; or

(iii) the close of oral argument;

unless the period is waived or extended with the written consent of all parties or for good cause shown.

(2) Copies of the final commission order shall be served on the petitioner by personal delivery or certified mail.

(3) A final commission order shall become effective upon personal delivery to the petitioner or upon posting of certified mail.

(4) The findings of fact shall be stated separately, and be in accordance with IC 4-21.5-3-27, IC 4-21.5-3-28, and IC 4-21.5-3-29.

(5) The commission may modify the final order in accordance with IC 4-21.5-3-31.

(Indiana Gaming Commission; 68 IAC 7-1-14; filed Nov 10, 1994, 11:00 a.m.: 18 IR 511; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2252; errata filed Jun 20, 1996, 1:15 p.m.: 19 IR 3114; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 7-1-15 Settlement offers

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-3-23; IC 4-33-4-7; IC 4-33-4-17; IC 4-33-6-1; IC 4-33-7-1; IC 4-33-8-2

Sec. 15. (a) The parties may propose settlement offers to the hearing officer or the commission at any stage of the proceedings where time, the nature of the proceeding, and public interest permit. Such offers may be made at any time prior to the entry of a final order, including prior to the initiation of the proceedings. The commission or the hearing officer may require that any of the parties to the offer make an oral or written presentation to the hearing officer or the commission regarding the settlement offer.

(b) Settlement agreements shall meet the following requirements:

(1) Be in writing.

(2) Signed by the parties to the settlement offer.

(3) Be consistent with the provisions and objectives of the law.

(4) Accurately reflect all the terms of the settlement.

(5) Be served on the commission at the commission's office in Indianapolis, Indiana, by hand delivery, certified mail, or overnight mail.

(6) Be accompanied by a proposed order.

(c) If the commission votes to reject a settlement offer, the commission shall direct the executive director to notify the parties in writing, by certified mail or personal delivery, that the settlement offer was rejected. The offer and any documents relating to the offer shall not constitute a part of the record. *(Indiana Gaming Commission; 68 IAC 7-1-15; filed Nov 10, 1994, 11:00 a.m.: 18 IR 512; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 7-1-16 Status of applicant for licensure or transfer upon filing request for hearing on a notice of denial

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-3-23; IC 4-33-4-7; IC 4-33-4-17; IC 4-33-6-1; IC 4-33-7-1; IC 4-33-8-2

Sec. 16. An applicant who has been denied a license, whose license has not been renewed, has had a request for transfer of ownership denied, whose request for transfer of an ownership interest, or who has been placed on an exclusion list, and who has requested a hearing under this rule shall still be considered an applicant for purposes of compliance with applicable statutory provisions and commission rules. (*Indiana Gaming Commission; 68 IAC 7-1-16; filed Nov 10, 1994, 11:00 a.m.: 18 IR 512; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

ARTICLE 8. PUBLIC SAFETY AND EXCURSIONS

Rule 1. Excursions, Routes, and Public Safety

68 IAC 8-1-1 Definitions

Authority: IC 4-33-4-1; IC 4-33-4-2

Affected: IC 4-33-2-17; IC 4-33-4-13; IC 4-33-5; IC 4-33-6; IC 4-33-9

Sec. 1. The following definitions apply throughout this rule:

(1) "Commission agent" means one (1) of the members of the Indiana state police department who is assigned to work with the commission's gaming enforcement section who is on duty and on board the riverboat.

(2) "Dockside gambling" means the conduct of gambling on a vessel that:

(A) is permanently moored at a dock site;

(B) is not self-propelled; or

(C) allows unlimited passenger ingress and egress.

(3) "Full excursion" means a gambling excursion during which the vessel cruises into open water on Lake Michigan or cruises on the Ohio River. A full excursion on Lake Michigan shall not exceed a distance of three (3) statute miles from the vessel's dock site during the warm water months of July through September pursuant to United States Coast Guard Navigation and Vessel Inspection Circular 7-91. A full excursion on Lake Michigan shall not exceed a distance of one (1) statute mile from the vessel's dock site during the cold water months of October through June pursuant to United States Coast Guard Navigation and Vessel Inspection Circular 7-91.

(4) "Intermediate excursion" means a gambling excursion during which the vessel cruises in protected navigable water on or accessible to Lake Michigan.

(5) "Master" means the officer having command of a vessel and who holds the appropriate United States Coast Guard license under 46 CFR 10.401 through 46 CFR 10.482, 1994 edition.

(6) "Navigable water" means water that the commission determines to be navigable under IC 4-33-4-13.

(7) "Open water" means water on or accessible to Lake Michigan that is not within a protected harbor.

(8) "Partially protected waters" has the meaning set forth in 46 CFR 169.107(n).

(9) "Vessel" means a riverboat as defined in IC 4-33-2-17.

(*Indiana Gaming Commission; 68 IAC 8-1-1; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3290; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 8-1-2 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2

Affected: IC 4-33-4; IC 4-33-5; IC 4-33-6; IC 4-33-9-2

Sec. 2. (a) Dockside gambling, as defined in section 1 of this rule, is prohibited.

(b) If the master determines that the conditions set forth in IC 4-33-9-2(b) exist, the riverboat may remain at the dock, and the riverboat licensee may permit gaming to be conducted.

(c) A gambling excursion conducted by a riverboat licensee shall be in accordance with IC 4-33-9-2, this rule, a schedule, and

a route approved by the executive director or the commission. A gambling excursion shall meet the following requirements:

(1) A gambling excursion shall be at least two (2) hours in duration, but not more than four (4) hours in duration. The period of time during which passengers embark and disembark constitutes a portion of the gambling excursion if gambling is allowed. A gambling excursion begins at the time patron embarkation commences if gambling is allowed during embarkation. A gambling excursion continues during the period of passenger disembarkation if gambling is allowed to continue during this period. A gambling excursion terminates upon the conclusion of the passenger disembarkation period if gambling continues during that period.

(2) Passenger embarkation and disembarkation may not exceed a period of thirty (30) minutes each. The riverboat licensee may allow gambling to be conducted during the period of embarkation or disembarkation, or both. At the conclusion of the thirty (30) minute embarkation period, the gangway or its equivalent must be closed and further embarkation by patrons shall not be permitted. At the conclusion of a gambling excursion, patron disembarkation may continue for a period of thirty (30) minutes or less. Unless approved by the commission, patron embarkation shall not commence until the conclusion of the patron disembarkation period.

(d) Commission approval of excursion route and schedules shall be obtained in the following manner:

(1) At least thirty (30) days before the commencement of gambling excursions, the riverboat license applicant shall submit a proposed standard excursion schedule and excursion route or routes, including any stops, to the executive director. The proposed excursion schedule and excursion route or routes shall specify at least one (1) full excursion route and, if the home dock site of the vessel is located on Lake Michigan, at least one (1) intermediate excursion route in accordance with this rule. If the riverboat licensee submits more than one (1) full excursion route or more than one (1) intermediate excursion route, the riverboat licensee must submit an emergency response plan in accordance with 68 IAC 8-2-3 for each excursion route.

(2) If the executive director approves the proposed standard excursion schedule and excursion route or routes, the executive director shall notify the riverboat license applicant, in writing, that the schedule and route or routes are approved.

(3) If the executive director does not approve the proposed standard excursion schedule and excursion route or routes, the executive director shall notify the riverboat license applicant in writing. The riverboat licensee shall not operate under a proposed standard excursion schedule or route until it receives approval from the executive director.

(e) The riverboat licensee or riverboat license applicant may submit a standard excursion route that proposes excursions of varying lengths based upon days of the week or the hours of day.

(f) The riverboat licensee may amend an excursion route or schedule by submitting a proposed amended schedule or route to the executive director for review in accordance with subsection (d).

(g) The riverboat licensee shall allow patrons to disembark from the riverboat at any time that the riverboat remains at the dock and gambling continues under IC 4-33-9-2. (*Indiana Gaming Commission; 68 IAC 8-1-2; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3291; filed Aug 20, 1997, 7:11 a.m.: 21 IR 13; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 8-1-3 Lake Michigan excursions and vessel requirements

Authority: IC 4-33-4-1; IC 4-33-4-2

Affected: IC 4-33-4; IC 4-33-5; IC 4-33-6; IC 4-33-2; IC 4-33-9-2

Sec. 3. (a) This section applies to vessels that are docked in counties contiguous to Lake Michigan.

(b) If the master determines that the conditions set forth in IC 4-33-9-2(b) exist, the riverboat may remain docked and the riverboat licensee may permit gaming to be conducted. The master shall conduct a full excursion unless the master determines that the conditions set forth in IC 4-33-9-2(b) or the conditions set forth in subsection (c) exist.

(c) Unless otherwise authorized by the commission, the master may conduct an intermediate excursion only if the master determines the following:

(1) The sea conditions or weather conditions, or both, do not permit a full excursion.

(2) The conditions of IC 4-33-9-2(b) do not exist.

(d) Vessels that operate on Lake Michigan or waters accessible to Lake Michigan must be certificated by the United States Coast Guard, at a minimum, for standards required for partially protected waters on Lake Michigan year round pursuant to 46 CFR Subchapter H. (*Indiana Gaming Commission; 68 IAC 8-1-3; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3292; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 8-1-4 Ohio River excursions

Authority: IC 4-33-4-1; IC 4-33-4-2

Affected: IC 4-33-4; IC 4-33-5; IC 4-33-6; IC 4-33-9-2

Sec. 4. (a) This section applies to vessels that are docked in counties contiguous to the Ohio River.

(b) The master shall conduct a full excursion during all times of the year unless the master determines that the conditions set forth in IC 4-33-9-2(b) exist. If the master determines that the conditions set forth in IC 4-33-9-2(b) exist, the riverboat may remain docked and the riverboat licensee may permit gaming to be conducted. (*Indiana Gaming Commission; 68 IAC 8-1-4; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3292; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 8-1-5 Conduct of gambling while riverboat is docked

Authority: IC 4-33-4-1; IC 4-33-4-2

Affected: IC 4-33-4; IC 4-33-5; IC 4-33-6; IC 4-33-9-2

Sec. 5. (a) If the master reasonably determines that any of the circumstances set forth in IC 4-33-9-2 exist, the riverboat shall remain docked or the master shall terminate the full or intermediate excursion. The riverboat may remain docked until the master determines that the conditions set forth in IC 4-33-9-2(b) have sufficiently diminished or been corrected for the riverboat to safely proceed or the duration of the authorized excursion has expired. The riverboat licensee may permit the conduct of gaming during the time the riverboat is docked and the conditions set forth in IC 4-33-9-2(b) exist.

(b) The riverboat licensee shall immediately initiate the repairs necessary to correct the mechanical or structural difficulty that prevents a full or intermediate excursion.

(c) If the master determines that conditions set forth in IC 4-33-9-2 preclude an intermediate or full excursion, the riverboat licensee shall file a written report detailing the basis for such action with the commission agent immediately.

(d) The riverboat licensee shall comply with the reporting requirements for marine casualties established in 46 CFR 4.05. The riverboat licensee shall provide a copy of any reports made to the United States Coast Guard to the executive director simultaneously. (*Indiana Gaming Commission; 68 IAC 8-1-5; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3292; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 8-1-6 Extended excursions

Authority: IC 4-33-4-1; IC 4-33-4-2

Affected: IC 4-33-4; IC 4-33-5; IC 4-33-6; IC 4-33-9

Sec. 6. (a) A riverboat licensee may request permission to conduct a gambling excursion that will last more than four (4) hours or exceeds the three (3) mile limit for a full excursion on Lake Michigan, or both. The riverboat licensee shall submit the request, in writing, at least ninety (90) days before the extended cruise is to be conducted.

(b) The request must include the following information:

(1) The appropriate dates and times of the extended cruise.

(2) The purpose of the extended cruise.

(3) The proposed excursion route that will be followed.

(4) A statement detailing any effect the extended excursion will have on the emergency response plan required under 68 IAC 2-2-2, and any adjustments that will be made to the emergency response plan to ensure the plan will be effective during an extended cruise.

(5) Any other information the riverboat licensee deems pertinent or as required by the executive director or the commission to ensure that the riverboat gambling operation is conducted in accordance with the Act and this title.

(c) The commission shall:

(1) either approve or disapprove the extended cruise at its next scheduled meeting; and

(2) direct the executive director to notify the riverboat licensee, in writing, of its decision.

(d) The commission shall consider the following factors when approving or disapproving an extended excursion schedule:

(1) The deviation of the extended excursion schedule or route, or both, from the approved excursion schedule or route.

(2) The purpose of the extended excursion.

(3) The impact the deviation will have on the emergency response plan.

(4) Any other factor the commission deems necessary to ensure compliance with the Act and this title.

(Indiana Gaming Commission; 68 IAC 8-1-6; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3292; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 8-1-7 Deviations from standard excursion route

Authority: IC 4-33-4-1; IC 4-33-4-2

Affected: IC 4-33-4; IC 4-33-5; IC 4-33-6; IC 4-33-9

Sec. 7. The riverboat licensee may operate under a temporary excursion schedule that deviates from the standard excursion schedule for a period of not more than thirty (30) days if the riverboat licensee obtains the approval of the executive director. The riverboat licensee shall request approval of the temporary schedule from the executive director in writing. The riverboat licensee shall advise the executive director of the following information:

(1) The route of the proposed temporary gambling excursion schedule.

(2) The reason or reasons why a temporary gambling excursion schedule is necessary.

(3) The date or dates during which a temporary gambling excursion schedule will be operated.

(4) A statement detailing any effect the temporary excursion schedule will have on the emergency response plan required under 68 IAC 8-2, and any adjustments that will be made to the emergency response plan to ensure the plan will be effective during an extended cruise.

(5) Any other information the riverboat licensee deems pertinent or as required by the executive director or the commission to ensure that the riverboat gambling operation is conducted in accordance with the Act and this article.

(Indiana Gaming Commission; 68 IAC 8-1-7; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3293; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 8-1-8 Emergency procedures

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-9-2

Affected: IC 4-33-4; IC 4-33-5; IC 4-33-6; IC 4-33-9

Sec. 8. (a) In the event of an emergency, the master may amend a standard excursion route.

(b) In the event of an emergency, the riverboat licensee or the master, or both, may amend a standard excursion schedule.

(c) The riverboat licensee shall immediately report an emergency amendment to the standard excursion route or schedule to the commission agent.

(d) The riverboat licensee shall submit an emergency schedule or route log, on forms prescribed by the commission, when a standard excursion route or schedule is altered in accordance with this section. The emergency schedule or route log shall detail the circumstances necessitating the emergency excursion route or schedule and shall be submitted to the executive director within five (5) business days of the emergency excursion route or schedule.

(e) As soon as the circumstances necessitating the emergency route or schedule abate, the master or the riverboat licensee, or both, shall resume compliance with the standard excursion route or schedule. *(Indiana Gaming Commission; 68 IAC 8-1-8; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3293; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 8-1-9 Violation of rule

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-9-2

Affected: IC 4-33-4; IC 4-33-5; IC 4-33-6; IC 4-33-9

Sec. 9. The commission may, if it determines that a master, the riverboat licensee, or a supplier licensee providing navigational services and crew may be abusing this rule, initiate an investigation and a disciplinary action against any of the following:

(1) The master.

(2) The riverboat licensee.

(3) The supplier licensee that is providing navigational services to the riverboat.

(Indiana Gaming Commission; 68 IAC 8-1-9; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3293; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

25 IR 898)

68 IAC 8-1-10 Waiver, alteration, or restriction of requirement

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 10. The executive director or the commission may waive, alter, or restrict any requirement or procedure, with the exception of statutory requirements, set forth in this rule if the executive director or the commission determines the following:

(1) The requirement or procedure is impractical or burdensome and the waiver, alteration, or restriction is in the best interest of the public and the gaming industry.

(2) The waiver of the requirement or procedure is not outside the technical requirement necessary to serve the purpose of the requirement and will not reduce the integrity of the game established by this article.

(Indiana Gaming Commission; 68 IAC 8-1-10; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3294; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 8-1-11 Reports by the executive director

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-9-2

Affected: IC 4-33-4; IC 4-33-5; IC 4-33-6; IC 4-33-9; IC 5-14-1.5-6.1

Sec. 11. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to excursions and excursion schedules at the next meeting held under 68 IAC 2-1-5 or an executive session held under IC 5-14-1.5-6.1(b). The commission may direct the executive director to take additional or different action. *(Indiana Gaming Commission; 68 IAC 8-1-11; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3294; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

Rule 2. Medical Services; Emergency Response

68 IAC 8-2-1 Applicability; definitions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to riverboat licensees and riverboat license applicants.

(b) The following definitions apply throughout this rule:

(1) "Emergency response team" means the riverboat licensee's personnel that are responsible for coordinating activities in the event of an incident and implementing the emergency response plan.

(2) "Incident" means an accident, emergency, disaster, or event that necessitates emergency response.

(3) "Interim compliance period" means the period of time between the issuance of a certificate of suitability and the issuance of a permanent riverboat owner's license or the issuance of a notice of denial.

(4) "Planning factor" means all of the local conditions that make an emergency response plan necessary.

(5) "Riverboat license applicant" means an applicant for a riverboat owner's license that has been issued a certificate of suitability under 68 IAC 2-1-5.

(Indiana Gaming Commission; 68 IAC 8-2-1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2657; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 8-2-2 Medical services and medical supplies

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33; IC 16-31-3

Sec. 2. (a) A riverboat licensee shall have at least one (1) employee who is certified as an emergency medical technician under IC 16-31-3 and 836 IAC 1-5 on the riverboat at all times patrons are present on the riverboat.

(b) The riverboat licensee shall maintain the emergency care equipment set forth in 836 IAC 1-3-5 on the riverboat. *(Indiana*

Gaming Commission; 68 IAC 8-2-2; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2657; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 8-2-3 Emergency response preparedness

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) The riverboat license applicant shall submit an emergency response plan during the interim compliance period in accordance with 68 IAC 2-1-5. The emergency response plan shall be submitted at least sixty (60) days prior to the commencement of gambling operations.

(b) The emergency response plan shall address or contain the following elements:

- (1) Incident information summary.
- (2) Promulgation document.
- (3) Legal authority and responsibility for response.
- (4) Table of contents.
- (5) Abbreviations, definitions, and acronyms section.
- (6) Planning factors.
- (7) Concept of operations.
- (8) Instructions for emergency response plan use.
- (9) Record of amendments.
- (10) Emergency notification procedures.
- (11) Direction and control document.
- (12) Communication among responders.
- (13) Warning systems and emergency public notification.
- (14) Public information and community relations.
- (15) Medical information.
- (16) Resource management.
- (17) Personal protective measures and evacuation procedures.
- (18) Fire and rescue measures.
- (19) Law enforcement and security.
- (20) Human services.
- (21) Documentation and investigative follow-up.
- (22) Procedures for testing and updating the emergency response plan.
- (23) Training.

The contents of each element is set forth in sections 4 through 26 of this rule.

(c) The executive director shall, in writing, approve or not object to, or both, the emergency response plan after consultation with one (1) or more of the following:

- (1) The Indiana department of natural resources.
- (2) The emergency management agency.
- (3) The United States Coast Guard.

A riverboat licensee can commence operations if an emergency response plan is approved or not objected to. A riverboat licensee shall not commence operations if the emergency response plan is disapproved.

(d) A riverboat licensee that operates from a temporary site shall submit an emergency response plan for the temporary site.

(e) Amendments to the emergency response plan shall be handled in the following manner:

(1) Amendments shall be submitted to the executive director at least sixty (60) days prior to the institution of the amendments. The executive director shall, in writing, approve or not object to, or both, the emergency response plan after consultation with one (1) or more of the following:

- (A) The Indiana department of natural resources.
- (B) The emergency management agency.
- (C) The United States Coast Guard.

(2) Emergency amendments shall be submitted to the executive director immediately. The executive director shall, in writing,

approve or not object to, or both, the emergency response plan after consultation with one (1) or more of the following:

- (A) The Indiana department of natural resources.
- (B) The emergency management agency.
- (C) The United States Coast Guard.

Each emergency amendment must be approved or not objected to, or both, by the executive director. An emergency amendment that is not approved or that is objected to by the executive director shall be discontinued by the riverboat licensee upon being advised of this information, in writing, by the executive director.

(f) A riverboat licensee shall file a written report outlining the manner in which an incident was responded to within ten (10) days of the occurrence of an incident. The report shall outline the following elements:

- (1) The incident information summary set forth in section 4 of this rule.
- (2) The manner in which the incident was responded to.
- (3) The way in which the response differed from the emergency response plan submitted to the commission under subsection (b).
- (4) Any problems the riverboat licensee noted with the emergency response plan that was submitted under subsection (b).
- (5) Any other information deemed necessary by the commission to ensure compliance with the Act and this title.

(Indiana Gaming Commission; 68 IAC 8-2-3; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2657; errata filed Aug 17, 1995, 1:30 p.m.: 19 IR 42; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2252; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 8-2-4 Incident information summary

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 4. The incident information summary shall specify that the following information is to be recorded by the riverboat licensee's emergency response team:

- (1) The date and time of the incident.
- (2) The location of the incident.
- (3) The type of incident.
- (4) Any injuries or fatalities, or both, that resulted from the incident.
- (5) Any other information deemed necessary by the emergency response team or the executive director to provide a complete and detailed description of the incident.

(Indiana Gaming Commission; 68 IAC 8-2-4; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2658; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 8-2-5 Promulgation document

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 5. The promulgation document shall contain the following:

- (1) A document signed by the master or the chief executive officer or the equivalent of the riverboat licensee, or both, adopting the plan.
- (2) Letters from affected jurisdiction, entities, or authorities approving the plan or offering no objection to the plan, or both.
- (3) Any letters of agreement that have been reached between the riverboat licensee and any local emergency response and notification agencies.

(Indiana Gaming Commission; 68 IAC 8-2-5; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2658; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 8-2-6 Legal authority and responsibility for response

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 6. The legal authority and responsibility for response shall contain the following:

- (1) A description of or reference to the legal entities in the jurisdiction whose emergency response roles are described in the emergency response plan. The business addresses and telephone numbers of the legal entities shall be set forth.
- (2) A list all other authorities, including state and federal authorities, the riverboat licensee regards as essential to the emergency response plan.

(Indiana Gaming Commission; 68 IAC 8-2-6; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2658; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 8-2-7 Table of contents

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 7. The table of contents shall list all elements of the emergency response plan, including tabs and appendices. *(Indiana Gaming Commission; 68 IAC 8-2-7; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2658; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 8-2-8 Abbreviations, definitions, and acronyms

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 8. The abbreviations, definitions, and acronyms section shall identify all abbreviations and acronyms, and explain all essential terms utilized in the text of the emergency response plan. *(Indiana Gaming Commission; 68 IAC 8-2-8; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2658; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 8-2-9 Planning factors

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 9. The planning factors shall set forth the following:

- (1) A list of all of the assumptions about conditions that might develop in the immediate area of the riverboat or support facility in the event of an incident at the dock site or on an excursion route.
- (2) An identification and description of facilities near the dock site or along the excursion route that might be a hazard if an incident were to occur within its boundaries.
- (3) An identification and description of other facilities, such as boats and barges, that may contribute an additional risk to an emergency response.
- (4) A description of the geographical features of the area, including sensitive environmental areas, land use patterns, water supplies, and public transportation that may impact an immediate evacuation.
- (5) A description of major demographic features of the area, including those features that impact an emergency response, including, but not limited to, the following:
 - (A) Population density.
 - (B) Special populations.
 - (C) Particularly sensitive institutions.
- (6) Critical time variables that impact on an incident, such as the time of day and year a particular incident is most likely to occur.

(Indiana Gaming Commission; 68 IAC 8-2-9; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2658; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 8-2-10 Concept of operations

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 10. The concept of operations shall include the following:

- (1) A designation of the personnel that shall constitute the emergency response team.
- (2) Identification, by title, of the individual or individuals designated the emergency coordinator or coordinators. The master shall be the incident commander in charge of an emergency response.
- (3) An explanation of the relationship between the emergency coordinator and the local government response authorities within the area.
- (4) A description of the relationship between the emergency response plan and other response plans within the affected jurisdiction or jurisdictions.
- (5) A description of the functions and responsibilities of all local response organizations within the area, including public, private, volunteer, and charitable organizations.
- (6) A list of mutual aid agreements or other agreements for sharing data and response resources. Documentation that local response agencies were allowed the opportunity to view the riverboat and the location of emergency response equipment.
- (7) A description of the relationship between local and state emergency response authorities.
- (8) A description of the relationships between local, state, and federal response agencies, including the plans and activities of each agency.

(Indiana Gaming Commission; 68 IAC 8-2-10; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2659; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 8-2-11 Instructions for emergency response plan

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 11. The instructions for emergency response plan use shall contain the following:

- (1) A discussion of the purpose of the emergency response plan.
- (2) A list of organizations and persons receiving a copy of the emergency response plan and emergency response plan amendments. The list shall indicate the date that the copy was sent and identify the copy that was sent to an organization or person.

(Indiana Gaming Commission; 68 IAC 8-2-11; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2659; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 8-2-12 Record of amendments

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 12. The record of amendments shall describe the method for maintaining and revising the emergency response plan, recording all changes made to the emergency response plan, and a method for controlling the distribution of amendments to the emergency response plan. *(Indiana Gaming Commission; 68 IAC 8-2-12; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2659; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 8-2-13 Emergency notification procedures

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 13. The emergency notification procedures shall include the following:

- (1) Procedures for providing reliable, effective, and timely notification by the riverboat emergency coordinators and community emergency coordinator to persons designated in the emergency response plan, and to the public that an incident has occurred.
- (2) Include procedures for the immediate notification of the appropriate twenty-four (24) hour hotline. The notification procedures shall be located in a prominent place in the emergency response plan and at various locations on the riverboat and at the support facilities, including the security office.

- (3) List the twenty-four (24) hour emergency hotline numbers for the local emergency response organizations within the area.
- (4) An accurate and up-to-date emergency assistance telephone roster that includes numbers for at least the following:
 - (A) Technical and response personnel.
 - (B) Local emergency management director.
 - (C) State emergency management agency.
 - (D) United States Coast Guard.
 - (E) Participating state and local agencies.
 - (F) Public and private sector support groups.

(Indiana Gaming Commission; 68 IAC 8-2-13; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2659; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 8-2-14 Direction and control document

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 14. The direction and control document shall set forth the following:

- (1) Methods and procedures to be followed by the emergency response team, riverboat licensee personnel, and local emergency and medical personnel to respond to an incident.
- (2) Identify the organization within the area that is responsible for providing direction and control to the total emergency response system described in section 10 of this rule.
- (3) Identify persons or offices within each response organization who provide direction and control to each of the organizations.
- (4) Identify persons or offices providing direction and control within each of the emergency response functions.
- (5) Describe persons or offices responsible for the performance of incident command function on the riverboat and the method for utilizing the incident command system.
- (6) Describe the chain of command for the total emergency response system, for each major response function, and for the organization controlled by the incident commander.
- (7) Identify persons responsible for the activation and operation of the emergency response center (if one is set up), the on-scene command post, and the methods by which those persons will coordinate their activities.
- (8) List three (3) levels of incident severity and associated response levels.
- (9) Identify the conditions for each level of incident severity listed in subdivision (8).
- (10) Identify the responsible person or persons at each level of incident severity.

(Indiana Gaming Commission; 68 IAC 8-2-14; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2660; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 8-2-15 Communications among responders

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 15. The communications among responders section shall include the following:

- (1) A description of all methods by which identified responders will exchange information and communicate with each other during a response, including the communications networks and common frequencies that will be utilized.
- (2) A description of the primary and back-up systems for all communication channels and systems.
- (3) Contain a diagram or matrix that shows the flow of information to be maintained within the emergency response system.

(Indiana Gaming Commission; 68 IAC 8-2-15; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2660; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 8-2-16 Warning systems and emergency public notification

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 16. The warning systems and emergency public notification section shall include the following:

- (1) An identification of responsible officials on board the riverboat and a description of the methods by which those officials will notify the patrons and public of an incident, impending incident, or on-board incident.
- (2) Notification may be accomplished in one (1) of the following manners:
 - (A) A siren or other signal. The meaning of the siren or other signal and the response to be taken in reaction to a siren or other signal shall be set forth in the emergency response plan.
 - (B) Other methods of notification of patrons, including, but not limited to, an intercom system, deck-to-deck announcements, and room-to-room announcements.
- (3) A description of the methods for coordination of emergency public notification during an emergency response.

(Indiana Gaming Commission; 68 IAC 8-2-16; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2660; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 8-2-17 Public information and community relations

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 17. The public information and community relations section shall include the following:

- (1) A description of the methods used, prior to incidents, for educating the public about possible incidents and planned protective measures.
- (2) A designated public information officer and spokesperson and a description of methods for keeping the public informed during an incident, including a list of all radio, television, and press contacts.
- (3) A description of the role and organizational position of the public information officer during incidents.
- (4) A description of any related public information activities that should be undertaken prior to and during an incident.

(Indiana Gaming Commission; 68 IAC 8-2-17; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2660; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 8-2-18 Medical information

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 18. The medical section shall include the following:

- (1) A list of the hospitals and telephone numbers of the hospitals within the county and those in surrounding counties to which sick or injured individuals may be transported.
- (2) A list of fire departments and other sources providing rescue services and the corresponding telephone numbers.
- (3) The name and telephone number of the county coroner's office.
- (4) A description of the methods of coordination between the riverboat medical coordinator and the medical response services in the area, including emergency medical services response personnel.
- (5) A designation, by title, of an individual to function as a triage officer, the methodology to be utilized, and the method of coordination with local health and medical officials.
- (6) A description of the utilization of a comprehensive management of the medical resource listing, including, but not limited to, the following:
 - (A) Medical personnel, emergency medical services response personnel, and other manpower.
 - (B) Emergency vehicles.
 - (C) Ambulances.
 - (D) Hospitals, hospital capacity, and type of treatment available.
 - (E) Specialized rescue units.
 - (F) Medical response teams.
 - (G) Mortuary services.
- (7) A description of the relationship and coordination between the riverboat emergency coordinator, the mortuary, and the coroner in a mass casualty situation.

(Indiana Gaming Commission; 68 IAC 8-2-18; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2661; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 8-2-19 Resources management section

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 19. The resources management section shall include the following:

- (1) A description of the available emergency equipment and facilities in the community and an identification of the persons responsible for such equipment and facilities.
- (2) A list of personnel resources available for emergency response by major categories, including governmental, volunteer, and private sector resources.
- (3) A description of the types, quantities, capabilities, and location of emergency equipment available, including the equipment in the possession of fire departments, police departments, and emergency medical response units.

(Indiana Gaming Commission; 68 IAC 8-2-19; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2661; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 8-2-20 Personal protective measures and evacuation procedures

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 20. The personal protective measures and evacuation procedures section shall include the following:

- (1) A description of evacuation plans, including those for precautionary evacuations and alternative evacuations.
- (2) A description of the authority for ordering or recommending evacuation, including the riverboat licensee personnel authorized to recommend evacuation.
- (3) A description of the authority, responsibility, and the chain of command of governmental agencies and private sector organizations.
- (4) A description of the role of the affected facilities in the evacuation decision making.
- (5) A description of the methods to be utilized in an evacuation, including the methods to be utilized for assisting mobility impaired individuals.
- (6) A description of the relationship between evacuation procedures and other protective measures.
- (7) A description of potential incidents or circumstances that would require evacuation, including, but not limited to, the following circumstances:
 - (A) Fire.
 - (B) Bomb threat.
 - (C) Hazardous material release in the area.
- (8) A description of the emergency exits and evacuation routes, including primary and alternative routes.
- (9) A description of the procedures for providing security during any evacuation and providing security for the evacuees.
- (10) A description of the procedures to be utilized to manage an orderly return of people to the riverboat.
- (11) Evacuation plans shall be practiced on a continuing basis, at least one (1) time every quarter. The director of security shall determine the time that the evacuation plan is practiced. The riverboat licensee shall provide the executive director of the schedule of the practice evacuations. This schedule shall be updated on an annual basis and submitted to the executive director by January 31 each year.

(Indiana Gaming Commission; 68 IAC 8-2-20; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2661; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 8-2-21 Fire and rescue

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 21. The fire and rescue section shall include the following:

- (1) A list of the major tasks to be performed by firefighters in coping with a fire on the riverboat.
- (2) An identification of the public and private sector fire protection organizations with response capability and those with knowledge of shipboard fires.
- (3) An identification of firefighting and rescue capabilities, including trained personnel, equipment, and fire extinguishers. The location of the equipment and fire extinguishers shall be noted.
- (4) A description of the training program for navigational personnel and security personnel.

(Indiana Gaming Commission; 68 IAC 8-2-21; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2661; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 8-2-22 Law enforcement and security

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 22. The law enforcement and security section shall include the following:

- (1) A description of the riverboat licensee's command structure including assignment of emergency responsibilities.
- (2) A list of the major law enforcement tasks related to enforcement of statutory requirements pertaining to riverboat gambling.
- (3) A description of the provisions in place to request assistance from local law enforcement agencies, if necessary.
- (4) A description of the methods in place to train all security personnel.

(Indiana Gaming Commission; 68 IAC 8-2-22; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2662; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 8-2-23 Human services

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 23. The human services section shall include the following:

- (1) A list of the agencies and corresponding telephone numbers for those agencies responsible for providing emergency human services, including, but not limited to, the following:
 - (A) Food.
 - (B) Shelter.
 - (C) Clothing.
 - (D) Continuity of medical care.
 - (E) Crisis counseling.
- (2) A description of the major human services activities and the means for the accomplishment of those activities.

(Indiana Gaming Commission; 68 IAC 8-2-23; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2662; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 8-2-24 Documentation and investigative follow-up

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 24. The documentation and investigative follow-up section shall include the following:

- (1) A list of all reports required by local, state, and federal agencies and the individuals responsible for preparing the reports after an incident.
- (2) A description of the methods for evaluating emergency responses and an identification, by title, of the individuals responsible for conducting the evaluations.
- (3) A description of the provisions for cost recovery.

(Indiana Gaming Commission; 68 IAC 8-2-24; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2662; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

25 IR 898)

68 IAC 8-2-25 Testing and updating plan procedures

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 25. The procedures for testing and updating the plan shall include the following:

- (1) The methods and schedules for practicing the emergency response plan. The emergency response plan shall be practiced at least one (1) time every quarter.
- (2) A description of the nature of the exercises for testing the adequacy of the emergency response plan.
- (3) A list of the frequency of the practice session, by type of incident.
- (4) A practice session schedule for the current year. This practice session schedule shall be updated on an annual basis. All schedules shall be provided to the executive director by January 31 of each year.
- (5) A description of the role of affected response agencies or transportation companies, or both, in the practice sessions.
- (6) A description of the procedures utilized to evaluate performance during the practice sessions, the method utilized to revise the emergency response plan, and the method utilized to correct deficiencies in the emergency response plan.

(Indiana Gaming Commission; 68 IAC 8-2-25; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2662; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 8-2-26 Training

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 26. The training section shall include the following:

- (1) A list of training programs for riverboat personnel and a schedule of the training programs. The schedule of training programs shall be updated annually, and a copy of the schedule provided to the executive director by January 31 of each year.
- (2) A list of the training programs and schedules for the training of local emergency response and medical personnel.
- (3) A schedule of training activities for the current year. The schedule shall be updated on an annual basis, and the updated schedule shall be provided to the executive director by January 31 of each year.

(Indiana Gaming Commission; 68 IAC 8-2-26; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2662; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 8-2-27 Navigation personnel and life saving equipment

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 27. (a) The riverboat licensee shall comply with the safety equipment and appliances requirements specified by the United States Coast Guard under 46 CFR 2.01 through 46 CFR 2.95.

(b) The riverboat licensee shall comply with the minimum manning requirements specified by the United States Coast Guard under 46 CFR 2.01 through 46 CFR 2.95. *(Indiana Gaming Commission; 68 IAC 8-2-27; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2663; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 8-2-28 Waiver of requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 28. The executive director may waive, restrict, or alter any requirement or procedure set forth in this rule if the executive director determines that the requirement or procedure is impractical or burdensome, and such waiver, restriction, or alteration is in the best interest of the public and the gaming industry, and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure. *(Indiana Gaming Commission; 68 IAC 8-2-28; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2663; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 8-2-29 Reports by the executive director

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33; IC 5-14-1.5-6.1

Sec. 29. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to an emergency response plan at the next meeting held under 68 IAC 2-1-5 or an executive session held under IC 5-14-1.5-6.1. The commission may direct the executive director to take additional or different action. (*Indiana Gaming Commission; 68 IAC 8-2-29; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2663; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

ARTICLE 9. ETHICS

Rule 1. Commission Members

68 IAC 9-1-1 Ethics and public disclosures by commission members

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-3-2

Sec. 1. (a) This rule applies only to commission members appointed in accordance with IC 4-33-3-2.

(b) The following definitions apply throughout this rule:

(1) "Compensation" means any money, thing of value, or financial benefit conferred on or received by a person in return for services rendered, or to be rendered, whether by that person or another.

(2) "Conflict of interest" means a situation in which a member's private interest, usually of a financial nature, may influence the member's judgment in the performance of the member's public duty. A conflict of interest includes, but is not limited to, the following:

(A) Any conduct that would lead a reasonable person, knowing all of the circumstances, to conclude that a member is biased.

(B) Acceptance of any form of compensation other than from the commission for any services rendered as part of the member's official duties for the commission.

(C) Participation in any business being transacted with the commission by any person in which the member or the member's spouse or child has a financial interest.

(D) Use of the member's position, title, or any authority associated with it in a manner designed for personal gain or benefit.

(E) Demonstration, through work or action in the performance of the member's official duties, of any preferential attitude or treatment toward any person.

(3) "Ex parte communication" means any communication, direct or indirect, regarding an issue the commission has or may have before it other than communication that takes place during a meeting or hearing conducted under the Act or this title.

(4) "Financial interest or financially interested" means any interest in investments, awarding of contracts, grants, loans, purchases, leases, sales, or similar matters under consideration or consummated by the commission. A member will be deemed to have a financial interest in a matter under consideration by reason of one (1) of the following:

(A) The member owns one percent (1%) or more of any class of outstanding securities which are issued by a party to the matter under consideration or consummated, and the securities are listed on a national securities exchange or actively traded in an over-the-counter market.

(B) The member is employed by that person.

(5) "Member" means a commission member appointed to the commission under IC 4-33-3-2.

(Indiana Gaming Commission; 68 IAC 9-1-1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2663; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2253; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 9-1-2 Policy

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. The commission is required to maintain the integrity of the commission and riverboat gambling. Members must encourage confidence in the commission by maintaining high standards of honesty, integrity, and impartiality. Members shall conduct themselves in a manner that will enhance public respect for the integrity of the commission and its work. (*Indiana Gaming Commission; 68 IAC 9-1-2; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2664; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-1-3 Consequences of violation of rule by a member

Authority: IC 4-33-3-8; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-3-10; IC 4-33-3-11

Sec. 3. (a) Except as provided in subsection (b), violation of this rule may result in the matter being referred to the governor for possible removal from the commission under IC 4-33-3-11.

(b) The executive director shall refer the matter to the governor for removal from the commission under IC 4-33-3-11 if IC 4-33-3-10 is violated.

(c) Violation of this rule does not create a private cause of action in favor of any person. (*Indiana Gaming Commission; 68 IAC 9-1-3; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2664; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-1-4 Commission disclosure form

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-3

Sec. 4. (a) By January 31 of each year, each member shall prepare and file with the office of the commission, a commission disclosure form that does the following:

(1) Affirms that the member or the member's spouse, parent, or child is not:

- (A) a member of the board of directors of;
- (B) is not financially interested in; or
- (C) is not employed by;

a riverboat licensee or applicant for a riverboat owner's license under the jurisdiction of the commission.

(2) Discloses if the member or the member's spouse, parent, or child is:

- (A) a member of a board of directors of;
- (B) is financially interested in; or
- (C) is employed by;

a supplier licensee or an applicant for a supplier's license.

(3) Affirms the member continues to meet any other statutory criteria under IC 4-33-3.

(4) Discloses any legal or beneficial interests in any real property, that is or that may be directly or indirectly involved with gaming, located in any county in which gaming operations are authorized by public referendum.

(5) Discloses any other information as may be required to ensure that the integrity of the commission and its work is maintained.

(b) The member disclosure form shall be a form prescribed by the commission.

(c) The member disclosure form shall be affirmed by the member under the penalties of perjury. (*Indiana Gaming Commission; 68 IAC 9-1-4; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2664; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-1-5 Notice of member disqualification

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 5. (a) A member who becomes aware that the member or the member's spouse, parent, or child is:

- (1) a member of the board of directors of; or
- (2) financially interested in;

a riverboat licensee or an applicant for a riverboat owner's license shall notify the executive director, in writing, immediately.

(b) A member who has been convicted of or has been charged with a felony under Indiana law, the laws of any other state, or the laws of the United States shall notify the executive director, in writing, immediately. (*Indiana Gaming Commission; 68 IAC 9-1-5; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2664; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-1-6 Confidentiality

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 6. A member or former member shall not disseminate any material in the possession of the commission that the commission treats as confidential unless specifically authorized to do so by the executive director or the commission. (*Indiana Gaming Commission; 68 IAC 9-1-6; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2664; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-1-7 Restrictions on gifts

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-2-6; IC 4-33

Sec. 7. No member may accept any gift, gratuity, compensation, travel, lodging, or anything of value, directly or indirectly, from any licensee of the commission, or any entity affiliated therewith, or any applicant for any license, unless:

- (1) the acceptance conforms with state law and rules adopted by the state ethics commission under IC 4-2-6 and 40 IAC; and
- (2) the acceptance conforms to any policy or directive issued by the executive director or the commission.

(*Indiana Gaming Commission; 68 IAC 9-1-7; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2664; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-1-8 Restrictions on gift giving

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 8. No licensee nor applicant for any license may, directly or indirectly, give or offer to give any gift, gratuity, compensation, travel, lodging, or anything of value to any member which the member is prohibited from accepting under section 7 of this rule. (*Indiana Gaming Commission; 68 IAC 9-1-8; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2665; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-1-9 Conflict of interest

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 9. (a) A member shall advise the executive director of any incident or circumstance that would present the existence of a conflict of interest with respect to the performance of the member's duties with the commission.

(b) A member shall not engage in any conduct that constitutes a conflict of interest. (*Indiana Gaming Commission; 68 IAC 9-1-9; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2665; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-1-10 Attempted bribery

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33; IC 35-44-1-1

Sec. 10. A member who is approached and offered a bribe in violation of IC 35-44-1-1 shall immediately report the matter to the executive director. (*Indiana Gaming Commission; 68 IAC 9-1-10; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2665; readopted filed*

Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 9-1-11 Political activity

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 11. Members shall not engage in political activity or politically-related activity during the time members are performing official duties of the commission or engage in political activity or politically-related activity at any time that would interfere with their official duties for the commission. (*Indiana Gaming Commission; 68 IAC 9-1-11; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2665; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-1-12 Fact witnesses

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 12. A former member may appear before the commission as a fact witness about matters or actions taken by the member during his or her tenure as a member. The member shall not receive compensation for such an appearance other than a standard witness fee and reimbursement for travel expenses as established by statute or rule. (*Indiana Gaming Commission; 68 IAC 9-1-12; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2665; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-1-13 Ex parte contact

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 13. No licensee nor an applicant for any license, nor any affiliate or representative thereof, shall engage in ex parte communications with a member. A member shall not engage in any ex parte communications with a licensee or an applicant for any license, or any affiliate or representative thereof. (*Indiana Gaming Commission; 68 IAC 9-1-13; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2665; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-1-14 Notice of ex parte contact

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 14. Any member, licensee, or applicant for any license, or affiliate or representative thereof, who receives any communication in violation of section 13 of this rule, or who is aware of an attempted communication in violation of section 13 of this rule, shall report the matter to the commission through the executive director. (*Indiana Gaming Commission; 68 IAC 9-1-14; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2665; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-1-15 Investigation of ex parte contact

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 15. Any member who receives any communication which attempts to influence that member's official action shall disclose the source and content of the communication to the executive director. The executive director may investigate or initiate an investigation of the matter to determine if the communication violates section 14 of this rule or the Act. The disclosure under this section and the investigation shall remain confidential. Following an investigation, the executive director shall advise the governor or the commission, or both, of the results of the investigation and may recommend such action as the executive director considers appropriate. (*Indiana Gaming Commission; 68 IAC 9-1-15; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2665; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-1-15.1 Post-tenure restrictions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-3

Sec. 15.1. A member or former member may not enter into any negotiations or discussions for employment nor accept employment with any entity or affiliate thereof that holds or is an applicant for any license issued by the commission for a period of one (1) year after the member's tenure ends under IC 4-33-3. (*Indiana Gaming Commission; 68 IAC 9-1-15.1; filed Aug 20, 1997, 7:11 a.m.: 21 IR 14; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-1-16 Consequences of violation of rule by a licensee or applicant for a license

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 16. Violation of this rule by a licensee or an applicant for any license may result in the initiation of a disciplinary action under 68 IAC 13 or denial of the application for licensure. (*Indiana Gaming Commission; 68 IAC 9-1-16; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2665; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-1-17 Reports by the executive director

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33; IC 5-14-1.5-6.1

Sec. 17. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to a member or former member to the commission at the next meeting held under 68 IAC 1-2-5 or at an executive session held under IC 5-14-1.5-6.1. The commission may direct the executive director to take additional or different action, including presenting the matter to the state ethics commission. (*Indiana Gaming Commission; 68 IAC 9-1-17; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2666; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

Rule 2. Commission Employees

68 IAC 9-2-1 Ethics and public disclosures

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 1. (a) This rule applies only to individuals employed by the commission.

(b) The following definitions apply throughout this rule:

(1) "Compensation" means any money, thing of value, or financial benefit conferred on or received by a person in return for services rendered, or to be rendered, whether by that person or another.

(2) "Conflict of interest" means a situation in which an employee's private interest, usually of a financial nature, may influence the employee's judgment in the performance of the employee's public duty. A conflict of interest includes, but is not limited to, the following:

(A) Any conduct that would lead a reasonable person, knowing all of the circumstances, to conclude that an employee is biased.

(B) Acceptance of any form of compensation other than from the commission for any services rendered as part of the employee's official duties for the commission.

(C) Participation in any business being transacted with the commission by any private concern in which the employee or the employee's spouse or child has a financial interest.

(D) Use of the employee's position, title, or any authority associated with it in a manner designed for personal gain or benefit.

(E) Demonstration, through work or action in the performance of the employee's official duties, of any preferential attitude or treatment toward any person.

(F) Participation in an assignment by the commission that involves a person with whom the employee has a financial or beneficial relationship.

(3) "Financial interest or financially interested" means any interest in investments, awarding of contracts, grants, loans, purchases, leases, sales, or similar matters under consideration or consummated by the commission. An employee will be deemed to have a financial interest in a matter under consideration by reason of one (1) of the following:

(A) The employee owns one percent (1%) or more of any class of outstanding securities which are issued by a party to the matter under consideration or consummated, and the securities are listed on a national securities exchange or actively traded in an over-the-counter market.

(B) The employee is employed by that person.

(4) "Restricted employee" means an employee of the commission who is assigned to and is performing the duties of a position classified by the state personnel department as either:

(A) an executive position; or

(B) a professional, administrative, or technical position.

(Indiana Gaming Commission; 68 IAC 9-2-1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2666; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2254; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 9-2-2 Policy

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. The commission is required to maintain the integrity of the commission and riverboat gambling. Employees must encourage confidence in the commission by maintaining high standards of honesty, integrity, and impartiality. Employees shall conduct themselves in a manner that will enhance public respect for the integrity of the commission and its work. *(Indiana Gaming Commission; 68 IAC 9-2-2; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2666; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 9-2-3 Consequences of violation of rule by employee

Authority: IC 4-33-3-17; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) Except as provided in subsections (c), (d), and (e), violation of this rule may result in disciplinary action, including termination of an employee, or a fine being assessed against an employee or former employee.

(b) Except as provided in subsections (c), (d), and (e), the commission may waive a violation of the terms of this rule if it determines that the conduct involved does not violate the purpose of this rule.

(c) If, after being offered employment or beginning employment with the commission, the employee intentionally acquires a financial interest in a riverboat licensee engaged in gambling operations in Indiana or an applicant for a riverboat owner's license that will be engaged in gambling operations in Indiana, employment with the commission shall be terminated.

(d) If a financial interest in a riverboat licensee engaged in gambling operations in Indiana or an applicant for a riverboat owner's license that will be engaged in gambling operations in Indiana is acquired by an employee that has been offered employment with the commission, an employee of the commission, or the employee's spouse, parent, or child, through no intentional action of the employee, the individual shall have up to thirty (30) days to divest or terminate the financial interest. Employment may be terminated if the interest has not been divested after thirty (30) days.

(e) Employment shall be terminated if the employee is a spouse, parent, or child of a commission member.

(f) Violation of this rule does not create a private cause of action in favor of any person. *(Indiana Gaming Commission; 68 IAC 9-2-3; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2666; errata filed Aug 17, 1995, 1:30 p.m.: 19 IR 42; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 9-2-4 Employee disclosure form

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) By January 31 of each year, each employee of the commission shall prepare and file with the office of the commission, an employee disclosure form that does the following:

- (1) Affirms the absence of financial interests prohibited by the Act.
 - (2) Discloses any legal or beneficial interests in any real property, that is or that may be directly or indirectly involved with gaming, located in any county in which gaming operations are authorized by public referendum.
 - (3) Discloses that the employee or the employee's spouse, parent, or child is financially interested in or employed by a supplier licensee or an applicant for a supplier's license.
 - (4) Discloses such other matters as may be required to ensure that the integrity of the commission and its work is maintained.
- (b) The employee disclosure form shall be prescribed by the commission.
- (c) The employee disclosure form shall be affirmed by the employee under the penalties of perjury. (*Indiana Gaming Commission; 68 IAC 9-2-4; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2667; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-2-5 Notice of employee status

Authority: IC 4-33-3-17; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 5. An employee who becomes aware that the employee or the employee's spouse, parent, or child is:

- (1) an officer of a riverboat licensee or applicant for a riverboat owner's license; or
- (2) a person with:
 - (A) a financial interest in; or
 - (B) a financial relationship with;

a riverboat licensee engaged in gambling operations in Indiana or an applicant for a riverboat owner's license that will be engaged in gambling operations in Indiana; or

- (3) the spouse, parent, or child of a commission member;

shall immediately inform the executive director of such status. (*Indiana Gaming Commission; 68 IAC 9-2-5; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2667; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-2-6 Notice of employee's interests in licensees and possible disqualification

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 6. (a) Any employee who is negotiating for, or acquires by any means, any interest in any entity, which holds or is an applicant for any license issued by the commission, or any entity affiliated therewith, shall immediately provide written notice of the details of such an interest to the executive director. Such employee shall not take any action on behalf of the commission with respect to that entity unless instructed to do so by the executive director.

(b) An executive director who is negotiating for, or acquires by any means, any interest in any entity which holds or is an applicant for any license issued by the commission, or any entity affiliated therewith, shall immediately provide written notice of the details of such an interest to the deputy director. The executive director shall not take any action on behalf of the commission with respect to that entity unless instructed to do so by the deputy director. (*Indiana Gaming Commission; 68 IAC 9-2-6; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2667; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-2-7 Discussions of employment

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 7. An employee of the commission may not enter into any negotiations for employment with any entity or affiliate thereof that holds or is an applicant for any license issued by the commission, without providing a written notice to the executive director not less than thirty-six (36) hours prior to such negotiations or discussions. Such an employee shall not take any action on behalf of the commission with respect to that entity unless instructed to do so by the executive director. (*Indiana Gaming Commission; 68 IAC 9-2-7; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2667; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-2-8 Invitations to discuss employment

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 8. Any employee of the commission who receives any invitation, written or oral, to initiate any discussion concerning employment or the possibilities thereof with any entity, or affiliate thereof, that holds or is an applicant for any license issued by the commission, shall immediately report such fact to the executive director. (*Indiana Gaming Commission; 68 IAC 9-2-8; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2668; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-2-9 Restrictions on discussions of employment

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 9. No licensee or applicant for a license shall initiate any negotiation for discussion of employment with an employee of the commission without written notice thereof being previously provided to the executive director by either the employee or the licensee or applicant. (*Indiana Gaming Commission; 68 IAC 9-2-9; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2668; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-2-10 Confidentiality

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 10. An employee or former employee shall not disseminate any material in the possession of the commission that the commission treats as confidential unless specifically authorized to do so by the executive director or the commission. (*Indiana Gaming Commission; 68 IAC 9-2-10; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2668; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-2-11 Restrictions on gifts

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-2-6; IC 4-33

Sec. 11. No employee of the commission may, directly or indirectly, accept any gift, gratuity, compensation, travel, lodging, or anything of value from any licensee, any entity affiliated therewith, or any applicant for any license, unless:

- (1) the acceptance conforms with state law and rules adopted by the state ethics commission under IC 4-2-6 and 40 IAC; and
- (2) the acceptance conforms to any policy or directive issued by the executive director or the commission.

(*Indiana Gaming Commission; 68 IAC 9-2-11; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2668; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-2-12 Restrictions on gift giving

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 12. No licensee nor applicant for any license may, directly or indirectly, give or offer to give any gift, gratuity, compensation, travel, lodging, or anything of value to any employee of the commission which the employee is prohibited from accepting under section 11 of this rule. (*Indiana Gaming Commission; 68 IAC 9-2-12; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2668; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-2-13 Conflict of interest

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 13. (a) An employee of the commission shall advise the executive director of any incident or circumstance that would present the existence of a conflict of interest with respect to the performance of employee's duties with the commission.

(b) An employee shall not engage in any conduct that constitutes a conflict of interest. (*Indiana Gaming Commission; 68 IAC 9-2-13; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2668; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-2-14 Attempted bribery

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33; IC 35-44-1-1

Sec. 14. An employee who is approached and offered a bribe in violation of IC 35-44-1-1 shall immediately report the matter to the executive director. (*Indiana Gaming Commission; 68 IAC 9-2-14; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2668; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-2-15 Consequences of violation of rule by a licensee or applicant for a license

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 15. Violation of this rule by a licensee or an applicant for any license may result in the initiation of disciplinary action under 68 IAC 13 or the denial of the application for licensure. (*Indiana Gaming Commission; 68 IAC 9-2-15; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2668; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-2-16 Political activity

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 16. Employees shall not engage in political activity or politically-related activity during working hours and shall not engage in political activity or politically-related activity at any time that would interfere with their official duties for the commission. (*Indiana Gaming Commission; 68 IAC 9-2-16; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2668; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-2-17 Outside work

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 17. (a) A new employee shall obtain written permission from the executive director before continuing outside employment held at the time the employee begins to work for the commission.

(b) An employee shall obtain written permission from the executive director before accepting any outside employment.

(c) Permission shall be denied (or permission previously granted will be revoked) if the nature of the work is considered to or does create a possible conflict of interest or otherwise interferes with the employee's duties for the commission.

(d) An employee granted permission for outside employment shall not conduct any business or perform any activities, including solicitation, related to outside employment on premises used by the commission or during the employee's working hours for the commission.

(e) As used in this section, "outside employment" includes, but is not limited to, the following:

(1) Operation of a proprietorship.

(2) Participation in a partnership or group business enterprise.

(3) Performance as a director or corporate officer of any for-profit corporation or banking or credit institution.

(*Indiana Gaming Commission; 68 IAC 9-2-17; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2668; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-2-18 Postemployment restrictions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-2-6-11; IC 4-33

Sec. 18. (a) Former employees of the commission shall comply with the postemployment restriction set forth in IC 4-2-6-11.

(b) In addition to the postemployment restrictions set forth in IC 4-2-6-11, and except as provided in section 20 or 21 of this rule or upon the request of the commission, a restricted employee of the commission who leaves the employment of the commission for any reason may not, without the consent of the commission:

(1) appear before the commission on any matter before the commission or an administrative law judge appointed by the commission on behalf of a licensee or an applicant for any license; or

(2) engage in any discussion with any commission employee regarding any specific applicant or licensee;

for a period of one hundred eighty (180) days following the termination of the restricted employee's employment with the commission.

(c) Without the consent of the commission, a former employee or former restricted employee may not appear before the commission on behalf of an occupational licensee, Level 2 or 3 or an applicant for an occupational license, Level 2 or 3 for a period of ninety (90) days. Consent to so appear may be granted by the commission if the former employee or former restricted employee was not involved with that specific issue during the last year of employment with the commission. (*Indiana Gaming Commission; 68 IAC 9-2-18; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2669; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-2-19 Fact witnesses

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 19. A former employee may appear before the commission as a fact witness about matters or actions taken by the employee during his or her tenure. The employee shall not receive compensation for such an appearance other than a standard witness fee and reimbursement for travel expenses as established by statute or rule. (*Indiana Gaming Commission; 68 IAC 9-2-19; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2669; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-2-20 Postemployment restrictions on applying for licenses

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-2-6-11; IC 4-33

Sec. 20. In addition to the postemployment restrictions set forth in IC 4-2-6-11, a former restricted employee may not apply for:

(1) a riverboat owner's license;

(2) a supplier's license; or

(3) an occupational license, Level 1;

without the prior approval of the commission for a period of one hundred eighty (180) days following the termination of the restricted employee's employment with the commission. (*Indiana Gaming Commission; 68 IAC 9-2-20; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2669; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-2-21 Reports by the executive director

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33; IC 5-14-1.5-6.1

Sec. 21. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to an employee or former employee to the commission at the next meeting held under 68 IAC 1-2-5 or at an executive session held under IC 5-14-1.5-6.1. The commission may direct the executive director to take additional or different action, including presenting the matter to the state ethics commission. (*Indiana Gaming Commission; 68 IAC 9-2-21; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2669; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

Rule 3. Commission Agents

68 IAC 9-3-1 Ethics and public disclosure by agents of the commission

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to all persons acting as agents for the commission, and only during the time when the person is assigned to perform such services.

(b) The following definitions apply throughout this rule:

(1) "Agent" means any person who is employed by any agency of the state, other than the commission, and who is assigned to perform full-time services on behalf of, or for the benefit of, the commission regardless of the title or position held by that person.

(2) "Compensation" means any money, thing of value, or financial benefit conferred on or received by a person in return for services rendered, or to be rendered, whether by that person or another.

(3) "Conflict of interest" means a situation in which an agent's private interest, usually of a financial nature, may influence the agent's judgment in the performance of the agent's public duty. A conflict of interest includes, but is not limited to, the following:

(A) Any conduct that would lead a reasonable person, knowing all of the circumstances, to conclude that an agent is biased.

(B) Acceptance of any form of compensation other than from the commission, or his or her own agency, for any services rendered as part of the agent's official duties for the commission.

(C) Participation in any business being transacted with the commission by any private concern in which the agent, or the agent's spouse or child, has a financial interest.

(D) Use of the agent's position, title, or any authority associated with it in a manner designed for personal gain or benefit.

(E) Demonstration, through work or action in the performance of the agent's official duties, of any preferential attitude or treatment toward any person.

(F) Participation in an assignment by the commission that involves a person with which the agent has a financial or beneficial relationship.

(4) "Financial interest or financially interested" means any interest in investments, awarding of contracts, grants, loans, purchases, leases, sales, or similar matters under consideration or consummated by the commission. An agent will be deemed to have a financial interest in a matter under consideration by reason of one (1) of the following:

(A) The agent owns one percent (1%) or more of any class of outstanding securities which are issued by a party to the matter under consideration or consummated, and the securities are listed on a national securities exchange or actively traded in an over-the-counter market.

(B) The agent is employed by that person.

(Indiana Gaming Commission; 68 IAC 9-3-1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2669; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2254; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 9-3-2 Policy

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. The commission is required to maintain the integrity of the commission and riverboat gambling. Agents must encourage confidence in the commission by maintaining high standards of honesty, integrity, and impartiality. Agents shall conduct themselves in a manner that will enhance public respect for the integrity of the commission and its work. *(Indiana Gaming Commission; 68 IAC 9-3-2; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2670; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 9-3-3 Consequences of violation of rule by an agent

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 3. Violation of this rule by an agent may result in the agent being removed from performing services on behalf of the commission and a recommendation to the appropriate agency that a disciplinary action be initiated against the agent or former agent in accordance with that agency's policies and rules. The commission may waive a violation of the terms of this rule if it determines that the conduct involved does not violate the purpose of this rule. Violation of this rule does not create a private cause of action in favor of any person. (*Indiana Gaming Commission; 68 IAC 9-3-3; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2670; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-3-4 Disclosure form

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 4. Each agent shall prepare and file with the executive director, at such times as the executive director may require, an employee disclosure form under 68 IAC 9-2-4. The disclosure form shall be affirmed by the agent under the penalties of perjury. (*Indiana Gaming Commission; 68 IAC 9-3-4; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2670; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-3-5 Notice of interests of agent

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 5. An agent who is negotiating for, or acquires by any means, any interest in any licensee or applicant for any license issued by the commission, or any entity affiliated therewith, shall immediately provide written notice of the details of such an interest to the executive director and shall not take any action on behalf of the commission with respect to that entity unless instructed to do so by the executive director. (*Indiana Gaming Commission; 68 IAC 9-3-5; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2670; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-3-6 Restrictions on discussions of employment

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 6. An agent of the commission may not enter into any negotiations for employment with any licensee or applicant for any license, or any affiliate thereof, issued by the commission, without providing a written notice to the executive director not less than thirty-six (36) hours prior to such negotiations or discussions. Such an agent shall not take any action on behalf of the commission with respect to that entity unless instructed to do so by the executive director. (*Indiana Gaming Commission; 68 IAC 9-3-6; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2671; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-3-7 Notice of invitations to discuss employment

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 7. Any agent of the commission who receives any invitation, written or oral, to initiate any discussion concerning employment or the possibilities thereof with any licensee or applicant for any license, or any affiliate thereof, shall immediately report such fact to the executive director. (*Indiana Gaming Commission; 68 IAC 9-3-7; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2671; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-3-8 Restrictions on licensees

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 8. No licensee or applicant for a license shall initiate any negotiations for employment with an agent of the commission without written notice thereof being previously provided to the executive director by either the agent or the licensee or applicant. (*Indiana Gaming Commission; 68 IAC 9-3-8; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2671; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-3-9 Restrictions on gifts

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-2-6; IC 4-33

Sec. 9. No agent of the commission may accept, directly or indirectly, any gift, gratuity, compensation, travel, lodging, or anything of value from any licensee, an applicant for any license, or any affiliate thereof, unless:

- (1) the acceptance conforms with state law and rules adopted by the state ethics commission;
- (2) the acceptance conforms to the rules and policies of the recipient's agency; and
- (3) the acceptance conforms to any policy or directive issued by the executive director or the commission.

(*Indiana Gaming Commission; 68 IAC 9-3-9; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2671; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-3-10 Restrictions on gift giving

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 10. No licensee nor applicant may, directly or indirectly, give or offer to give any gift, gratuity, compensation, travel, lodging, or anything of value to any agent of the commission, which the agent is prohibited from accepting under section 9 of this rule. (*Indiana Gaming Commission; 68 IAC 9-3-10; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2671; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-3-11 Conflict of interest

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 11. (a) An agent shall advise the executive director of any incident or circumstance that would present the existence of a conflict of interest with respect to the performance of the agent's duties with the commission.

(b) An agent shall not engage in any conduct that constitutes a conflict of interest. (*Indiana Gaming Commission; 68 IAC 9-3-11; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2671; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-3-12 Attempted bribery

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33; IC 35-44-1-1

Sec. 12. An agent who is approached and offered a bribe in violation of IC 35-44-1-1 shall immediately report the matter to the executive director. (*Indiana Gaming Commission; 68 IAC 9-3-12; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2671; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-3-13 Consequences of violation of rule by a licensee or applicant for a license

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 13. Violation of this rule by a licensee or an applicant for any license may result in the initiation of a disciplinary action under 68 IAC 13 or denial of the application for licensure. (*Indiana Gaming Commission; 68 IAC 9-3-13; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2671; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-3-14 Confidentiality

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 14. An agent or former agent shall not disseminate any material in the possession of the commission that the commission treats as confidential unless specifically authorized to do so by the executive director or the commission. (*Indiana Gaming Commission; 68 IAC 9-3-14; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2671; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-3-15 Compliance with other requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 15. In addition to any notice requirements, ethics disclosure requirements, and ethics standards established by this rule, each agent shall abide by and conform to any rules, regulations, or policies of the agency which employs the agent with respect to conflicts of interest. Any agent who is not in compliance shall promptly advise the employing agency in accordance with that agency's requirements and shall also advise the executive director of the details concerning the noncompliance. (*Indiana Gaming Commission; 68 IAC 9-3-15; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2671; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-3-16 Reports by the executive director

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33; IC 5-14-1.5-6.1

Sec. 16. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to an agent or former agent to the commission at the next meeting held under 68 IAC 1-2-5 or an executive session held under IC 5-14-1.5-6.1. The commission may direct the executive director to take additional or different action, including presenting the matter to the state ethics commission. (*Indiana Gaming Commission; 68 IAC 9-3-16; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2672; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

Rule 4. Restriction on Gaming

68 IAC 9-4-1 Definitions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-3-2

Sec. 1. The following definitions apply throughout this rule:

- (1) "Agent" refers to any person who is employed by any agency of the state, other than the commission, and who is assigned to perform full-time services on behalf of, or for the benefit of, the commission, pursuant to a request of the commission, regardless of the title or position held by that person.
- (2) "Commission agent" means a person employed by the state police department who is assigned to work with the commission's gaming enforcement section.
- (3) "Employee" means an individual employed by the commission.
- (4) "Member" means a commission member appointed to the commission under IC 4-33-3-2.

(*Indiana Gaming Commission; 68 IAC 9-4-1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2672; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-4-2 Restrictions on gaming by members, employees, and agents

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. Except as provided in section 3 of this rule, no member, member's spouse, employee, or agent may participate in any game conducted on any riverboat licensed by the commission. (*Indiana Gaming Commission; 68 IAC 9-4-2; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2672; filed Aug 20, 1997, 7:11 a.m.: 21 IR 14; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-4-3 Exception to restriction on gaming by members, employees, and agents

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 3. A member, employee, or agent may participate in a game conducted on a riverboat licensed by the commission if that person has received the written authorization from the executive director to participate in a game as part of the person's surveillance, security, or other duties and is participating only to the extent authorized by the executive director. (*Indiana Gaming Commission; 68 IAC 9-4-3; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2672; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-4-4 Notice requirements for presence on a riverboat

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 4. A member, employee, or agent shall advise the ranking commission agent aboard the riverboat that the member, employee, or agent plans to be present on a riverboat licensed by the commission outside the scope of his or her official duties at the time the member, employee, or agent arrives at the riverboat. (*Indiana Gaming Commission; 68 IAC 9-4-4; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2672; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-4-5 Restriction on gaming by employee of riverboat licensee

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 5. (a) For purposes of this rule, a person will be deemed to hold an ownership interest in a riverboat licensee if the person meets one (1) of the following criteria:

- (1) The person holds any ownership interest in a riverboat licensee that is not publicly traded.
- (2) The person holds an ownership interest of one percent (1%) or more of a riverboat licensee that is publicly traded as defined by 68 IAC 5-1-1(b)(2).
- (b) No substantial owner, key person, person holding an ownership interest in, or employee of a riverboat licensee may participate in a game conducted on that riverboat which is the subject of the license. No such person shall be permitted to purchase or redeem chips or tokens for any other person.

(c) No substantial owner, key person, person holding an ownership interest in, or employee of a riverboat licensee may give another individual chips, tokens, cash, or cash equivalents to have the individual place a wager on behalf of the substantial owner, key person, person holding an ownership interest in, or employee of a riverboat licensee. (*Indiana Gaming Commission; 68 IAC 9-4-5; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2672; filed Aug 20, 1997, 7:11 a.m.: 21 IR 15; errata, 21 IR 399; filed Feb 18, 1998, 9:45 a.m.: 21 IR 2314; errata filed Apr 29, 1998, 10:00 a.m.: 21 IR 3366; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-4-6 Restrictions on gaming by suppliers and vendors

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 6. (a) A supplier licensee, a key person or substantial owner of the supplier licensee may not participate in a game conducted on any riverboat licensed by the commission to which the supplier licensee provides any goods or services under the

authority of the license.

(b) Occupational licensees employed by a supplier licensee may not play a game on an electronic gaming device, a live gaming device, or both, that is manufactured or marketed by the supplier licensee for whom they are employed. Occupational licensees not employed by the riverboat licensee, but assigned to a riverboat licensee may not participate in any gambling game on the riverboat to which he or she is assigned.

(c) Individuals who are present on the riverboat via a vendors badge in accordance with 68 IAC 15-6-4 may not participate in any gambling game. (*Indiana Gaming Commission; 68 IAC 9-4-6; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2672; filed Jul 10, 2000, 4:48 p.m.: 23 IR 3069; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-4-7 Waiver of restriction

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 7. (a) A person who is restricted from gaming under section 5 or 6 of this rule may apply to the executive director, in writing, for a waiver from the restriction.

(b) The request for waiver shall set forth the following information:

- (1) The name of the person seeking the waiver.
- (2) The employer of the person seeking the waiver.
- (3) The position held by the person seeking the waiver.
- (4) The date or dates for which the waiver is requested, and the approximate time for which the waiver is sought.
- (5) Any other information deemed necessary by the executive director to make a decision as to whether or not the waiver should be granted.

The request for waiver shall be submitted at least three (3) business days before the date for which the waiver is sought.

(c) The executive director shall respond, in writing, to the request prior to the date and time for which the waiver is sought. (*Indiana Gaming Commission; 68 IAC 9-4-7; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2672; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 9-4-8 Reports by the executive director

Authority: IC 4-33-4-1; IC 4-33-4-2

Affected: IC 4-33; IC 5-14-1.5-6.1

Sec. 8. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to an emergency response plan at the next meeting held under 68 IAC 2-1-5 or an executive session held under IC 5-14-1.5-6.1. The commission may direct the executive director to take additional or different action. (*Indiana Gaming Commission; 68 IAC 9-4-8; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2673; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

ARTICLE 10. CONDUCT OF GAMING

Rule 1. Rules of Game; General Provisions

68 IAC 10-1-1 Applicability; general provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to riverboat licensees and riverboat license applicants.

(b) The following definitions apply throughout this article:

- (1) "House limit" means the top wager that the riverboat licensee will allow at any live gaming device for a particular game.
- (2) "Shoe" means a dealing device that:
 - (A) has a compartment in which the cards are stacked; and
 - (B) permits the cards to be dealt at a given time.

- (3) "Shuffling machine" means a device that automatically shuffles cards so that they are randomly and thoroughly intermixed.
- (c) The following gambling games are approved to be conducted on riverboats:
 - (1) Baccarat and mini baccarat.
 - (2) Twenty-one or blackjack.
 - (3) Poker, including, but not limited to, the following:
 - (A) Caribbean Stud Poker.
 - (B) Let-It-Ride.
 - (C) Pai-Gow Poker.
 - (4) Craps.
 - (5) Slot machine.
 - (6) Video games of chance.
 - (7) Roulette wheel.
 - (8) Klondike table.
 - (9) Keno layout.
 - (10) Big six wheel.

(d) This article sets forth the minimum standards within which games offered by riverboat licensees must be conducted. (*Indiana Gaming Commission; 68 IAC 10-1-1; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2255; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-1-1.1 Rate of progression

Authority: IC 4-33-4-1; IC 4-33-4-2
Affected: IC 4-33-8

Sec. 1.1. (a) This section applies to a riverboat licensee that offers a live gambling game with a progressive feature.

(b) As used in this rule, "rate of progression" means the amount by which the progressive jackpot will increase incrementally for each token inserted by a player to participate in the progressive feature of the live gaming device.

(c) The rate of progression that must be offered on a gambling game with a progressive feature must be at least sixty percent (60%) and not more than one hundred percent (100%).

(d) Once a gambling game is offered with an established rate of progression, the rate of progression shall not be changed until after a patron wins the jackpot.

(e) The riverboat licensee shall submit, at a minimum, the following information to chief counsel for the commission:

- (1) The types of gambling games that will offer a progressive feature.
- (2) The location of the gambling games that will offer a progressive feature.
- (3) The rate of progression for each gambling game.
- (4) The reset amount for each gambling game.

The information required by this subsection must be submitted when a new progressive live gaming device is introduced into the casino or the riverboat licensee changes the rate of progression on an existing progressive live gaming device. (*Indiana Gaming Commission; 68 IAC 10-1-1.1; filed Jun 1, 1998, 2:27 p.m.: 21 IR 3708; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-1-1.2 Holding gaming positions; responsibility for patron assets

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 1.2. (a) A riverboat licensee may hold a patron's seat at a living [*sic., live*] gaming device or an electronic gaming device only in accordance with this section.

(b) A riverboat licensee, an occupational licensee, or both, shall not hold a seat at a live gaming device or hold an electronic gaming device for a patron for a period of time that exceeds twenty (20) minutes.

(c) A riverboat licensee must mark the seat of a live gaming device or an electronic gaming device that is being held for a patron with a sign that indicates the seat is being held for a patron and the length of time for which the seat is being held.

(d) If a riverboat licensee will hold seats for a patron, the riverboat licensee must post a sign in a conspicuous area on each

deck of the riverboat indicating the riverboat licensee's policy of holding seats.

(e) An employee of a riverboat licensee shall not accept responsibility for protecting a patron's assets in the form of any of the following:

- (1) Cash.
- (2) Cash equivalents.
- (3) Chips.
- (4) Tokens.
- (5) Credits on an electronic gaming device.

(Indiana Gaming Commission; 68 IAC 10-1-1.2; filed Jul 10, 2000, 4:48 p.m.: 23 IR 3069; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-1-2 Purpose

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. The purpose of requiring submission of rules of the game is to ensure the following:

- (1) The games offered by riverboat licensees are performed only in accordance with the Act and this article.
- (2) The functions, duties, and responsibilities are appropriately segregated and performed in accordance with sound practices by competent, qualified personnel, and no employee of the riverboat licensee is in a position to perpetuate and conceal errors or irregularities in the normal course of his or her duties.
- (3) The games offered by riverboat licensees in Indiana have rules of play that meet uniform minimum standards.
- (4) Gaming is conducted with integrity and in accordance with the Act and this title.

(Indiana Gaming Commission; 68 IAC 10-1-2; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2255; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-1-3 Submission and approval of rules of the game

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) At various times throughout this article, the riverboat licensee or riverboat license applicant will be required to submit rules of the game to the commission. The rules of the game must be submitted in accordance with this rule.

(b) All rules of the game must comply with the provisions of the Act and this title.

(c) Submission of rules of the game shall be handled in the following manner:

- (1) When called for in this article, the riverboat licensee or riverboat license applicant shall submit rules of the game to the executive director at least sixty (60) days prior to the commencement of gaming operations or the play of that game, or both.
- (2) The executive director shall, in writing, approve or disapprove the rules of the game, in total or in part.
- (3) Any portion of the rules of the game not approved by the executive director shall be revised and resubmitted by the riverboat licensee or the riverboat license applicant within the time period established by the executive director. This method shall be followed until all portions of the rules of the game have been approved or approval cannot be obtained.
- (4) No rules of the game may be utilized by a riverboat licensee or riverboat license applicant unless the rules of the game have been approved, in writing, by the executive director.

(d) If the executive director determines, at any time, that approved rules of the game are not adequate to ensure compliance with the Act and this title or the integrity of the game, the executive director may direct the riverboat licensee, in writing, to amend its rules of the game in accordance with section 4 of this rule. *(Indiana Gaming Commission; 68 IAC 10-1-3; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2256; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 10-1-4 Amendments to rules of game

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. Amendments to rules of the game shall be handled in the following manner:

(1) Unless otherwise provided by the executive director, an amendment to any portion of the rules of game, including variations of games, must be submitted to the executive director at least thirty (30) days prior to the utilization of the rules of the game.

(2) The executive director shall, in writing, approve or disapprove the amendment to the rules of the game.

(3) No amendment to rules of the game may be utilized by the riverboat licensee unless the amendment to the rules of the game has been approved, in writing, by the executive director.

(Indiana Gaming Commission; 68 IAC 10-1-4; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2256; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-1-5 Table limits

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. (a) The rules of the game submitted by the riverboat licensee or riverboat license applicant will require an indication of the table limits that will be established by the riverboat licensee for each table.

(b) A riverboat licensee may amend the minimum and maximum wager at any table, so long as the new maximum wager is not above the house maximum wager for that game. The minimum and maximum wagers of a table shall be amended by taking the following actions:

(1) Posting a sign at the gaming table advising patrons of the new minimum and maximum wagers in effect for that table.

(2) Advising patrons at the table of the change.

(c) A riverboat licensee may raise the house limit for individual patrons by following procedures for lifting such limits that have been submitted with the rules of the game and approved in accordance with this rule. *(Indiana Gaming Commission; 68 IAC 10-1-5; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2256; errata filed Jun 20, 1996, 1:15 p.m.: 19 IR 3114; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 10-1-6 Availability of rules of the game

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 6. Upon the request of any player, a riverboat licensee must provide a complete, typed, and legible set of approved rules of the game for any game offered by the riverboat licensee. *(Indiana Gaming Commission; 68 IAC 10-1-6; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2256; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 10-1-6.1 Conduct of live gaming device tournaments

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 6.1. (a) Live gaming device tournaments may be conducted by riverboat licensees.

(b) At least thirty (30) business days before a riverboat licensee plans to offer a live gaming device tournament, the riverboat licensee must submit the rules of tournament play to the commission for approval. No live gaming device tournament may be offered until approved by the commission. The rules of tournament play shall include, at a minimum, the following information:

(1) The amount of the entry fee for participating in the tournament.

(2) The game that will be played.

(3) The qualification or selection criteria that will be used to limit the eligibility of players in a tournament. Any criteria or qualification utilized must be reasonably related to gaming activity.

(4) Any rules of play that differ from the rules submitted by the riverboat licensee in accordance with section 3 of this rule.

(5) The amount of chips, tokens, or both, that a player will begin with.

(6) The manner in which players will receive seat and table assignments and how reassignments are to be handled.

(7) How players are eliminated from the tournament and how the winner or winners are determined.

- (8) The manner in which ties will be handled.
 - (9) The number of prizes to be awarded.
 - (10) The actual cost of the prizes to be awarded.
 - (11) Whether the patron will have an option of taking the prize or requesting a cash alternative. If such an alternative is offered, the amount of cash the patron may receive.
 - (12) An exact description of each prize to be awarded.
 - (13) If the entire pot of entry fees is awarded as prizes, the percentage of the pot that each place will receive.
 - (14) Whether or not the riverboat licensee will guarantee the dollar value of the prizes if insufficient entry fees are collected.
- (c) The executive director or the executive director's designee shall approve or disapprove the rules within thirty (30) business days of the receipt of the rules.
- (d) The riverboat licensee may deduct only the amount of prizes awarded at cost basis to the extent allowed by subsection (e). The riverboat licensee must document the amount of money expended on prizes awarded in a tournament.
- (e) The riverboat licensee may take a deduction for the prizes awarded in accordance with 68 IAC 15-5-3 in an amount equal to or less than the total amount of the entry fees collected.
- (f) Once rules of tournament play have been approved by the commission for a specified table game, the riverboat licensee may offer a tournament utilizing identical approved rules at any time upon a ten (10) day notification to the commission and a request for approval of the proposed tournament.
- (g) Amendments to approved rules of tournament play must be submitted to the commission at least thirty (30) business days prior to the utilization of the amendments. The executive director or the executive director's designee shall approve or disapprove amendments to rules of tournament play within thirty (30) days of receipt of the amendments. No amendments to rules of tournament play shall be utilized by the riverboat licensee until approved by the commission. (*Indiana Gaming Commission; 68 IAC 10-1-6.1; filed Aug 20, 1997, 7:11 a.m.: 21 IR 15; errata, 21 IR 399; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-1-6.2 Integrity of live gaming device

Authority: IC 4-33-4-1; IC 4-33-4-2

Affected: IC 4-33-8

Sec. 6.2. (a) If the integrity of any live gaming device has been legitimately questioned, the riverboat licensee shall run the appropriate diagnostic tests on the device. If the riverboat licensee determines that the device is malfunctioning, the riverboat licensee shall remove the device from play until the device has been repaired and it has been determined that the device meets the requirements of the Act and this title.

(b) The riverboat licensee shall record the following information with respect to a live gaming device that has been removed from play:

- (1) The date and time that the integrity of the live gaming device was questioned.
- (2) The type of device that was questioned.
- (3) The serial number, if any, issued by the manufacturer and the registration number issued by the commission.
- (4) The length of time that the device was removed from play.
- (5) The reason that the device was not functioning properly.
- (6) The remedial action taken to ensure that the device conforms to the requirements of the Act and this title.
- (7) The printed name, signature, and occupational license number of all employees taking the remedial action.
- (8) If an outside company takes remedial action on the device, the following information must be maintained:
 - (A) The name of the company.
 - (B) The address of the company.
 - (C) The telephone number of the company.
 - (D) The names of any individuals who performed remedial action on the device.
- (9) A verification that the device meets the requirements of the Act and this title after the remedial action was taken.
- (10) The name, address, and telephone number of the individual who complained about the device and the nature of the complaint.

The riverboat licensee must notify the commission agent, in writing, of each electronic gaming device that has been removed from play.

(c) The records described in subsection (b) shall be maintained by the riverboat licensee for a period of one (1) year and shall be available for commission review upon request. (*Indiana Gaming Commission; 68 IAC 10-1-6.2; filed Jun 1, 1998, 3:38 p.m.: 21 IR 3711; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-1-7 Compliance; failure to comply with rules of the game

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 7. (a) Riverboat licensees must conduct all games in accordance with rules of the game that have been approved, in writing, by the executive director.

(b) Failure to comply with this article may result in the initiation of a disciplinary action under 68 IAC 13. (*Indiana Gaming Commission; 68 IAC 10-1-7; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2257; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-1-8 Waiver of requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 8. The executive director or the commission may waive, alter, or restrict any rules of the game procedure or requirement set forth in this article if the executive director or the commission determines that the procedure or requirement is impractical or burdensome and the waiver, alteration, or restriction:

- (1) is in the best interest of the public and the gaming industry;
- (2) is not outside the technical requirements necessary to serve the purpose of the requirement or procedure; and
- (3) will not reduce the integrity of the rules of the game established by this article.

(*Indiana Gaming Commission; 68 IAC 10-1-8; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2257; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-1-9 Reports by the executive director

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 9. The executive director shall report any action he or she has taken or contemplates taking under this article with respect to rules of the game to the commission at the next meeting held under 68 IAC 1-2-5. The commission may direct the executive director to take additional or different action. (*Indiana Gaming Commission; 68 IAC 10-1-9; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2257; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 2. Blackjack

68 IAC 10-2-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) Blackjack shall be conducted in conformance with this rule.

(c) Riverboat licensees may only offer the game of blackjack on a table and layout that are in compliance with 68 IAC 14.

(d) The following definitions apply throughout this rule:

(1) "Blackjack" means an ace and second card with a point value of ten (10) dealt as the initial two (2) cards to a player or the dealer. Blackjack may not include an ace and card with a point value of ten (10) dealt to a player who has split the first two (2) cards dealt to the player.

(2) "Burn" means the act of placing a card face downward in the discard rack if it is not to be utilized in play in accordance with this rule.

- (3) "Deal" means the distribution of the playing cards among the players and the dealer.
- (4) "Dealer" means the occupational licensee of the riverboat licensee who is responsible for dealing the cards at the blackjack table.
- (5) "Doubling down" means to make an additional wager, identical to or less than the player's original wager, on the first two (2) cards dealt to the player or the first two (2) cards of any split pair.
- (6) "Even money wager" means a bet placed by a player when the player has a blackjack and the exposed card dealt to the dealer is an ace. A player who makes an even money wager shall be paid at odds of at least one (1) to one (1).
- (7) "Exposed card" means the card held by a dealer that is seen by the other players.
- (8) "Hard total" means the total point count of a hand that contains no aces or that contains aces that are counted as a value of one (1).
- (9) "Hole card" means a card held by the dealer or player that is unseen by the other players or the dealer unless otherwise authorized by this rule.
- (10) "Insurance wager" means a bet placed by a player when the exposed card dealt to the dealer is an ace. The insurance wager wins if the dealer's hole card is a king, queen, jack, or ten (10). An insurance wager loses if the dealer's hole card is an ace or a two (2) through nine (9).
- (11) "Peek machine" means a device that allows the dealer to see the hole card to determine if the dealer has a blackjack.
- (12) "Soft total" means the total point count of a hand that contains an ace that is counted as a value of eleven (11).
- (13) "Splitting pairs" means a wager in which the first two (2) cards a player receives are identical in value. The player must make a wager on the second hand in an amount equal to the player's original wager.
- (14) "Surrender" means an option whereby the player surrenders the player's hand by forfeiting one-half (1/2) of the player's original wager if the dealer does not have a blackjack.

(Indiana Gaming Commission; 68 IAC 10-2-1; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2257; errata filed Jun 20, 1996, 1:15 p.m.: 19 IR 3114; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1065; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-2-2 Submission of rules of game

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. (a) In accordance with 68 IAC 10-1, the riverboat licensee or riverboat license applicant shall submit rules of the game covering blackjack if the riverboat licensee will offer the game of blackjack.

(b) The rules of the game for blackjack shall include, but are not limited to, the following:

(1) The options that will be offered by the riverboat licensee, including, but not limited to, the following options:

- (A) Doubling down.
- (B) Insurance wager.
- (C) Even money wager.
- (D) Splitting pairs.
- (E) Surrender.
- (F) Any variation of blackjack not covered by this rule that the riverboat licensee would like to offer, and the rules by which the variation of blackjack will be conducted.
- (G) Any other option the riverboat licensee or riverboat license applicant would like to utilize.

(2) Whether the riverboat licensee will utilize an automatic shuffling machine that has been approved as associated equipment in accordance with 68 IAC 2-7.

(3) Whether the riverboat licensee will utilize a shoe or the cards will be dealt by hand, or both.

(4) Whether the riverboat licensee will allow patrons to touch the cards.

(5) The clearly visible hand signals that a player must utilize to indicate the player wants to receive an additional card or wants to stand.

(6) The number of blackjack tables that will be on the riverboat.

(7) The minimum and maximum wagers that will be allowed.

(8) The procedures that will be utilized by the riverboat licensee to raise the house limit for individual patrons.

(9) The location of the blackjack tables on the riverboat.

- (10) The number of decks of cards that will be utilized during a round of play.
- (11) The manner in which the riverboat licensee will handle any irregularities not covered in section 18 of this rule.
- (12) Any additional rules of the game the riverboat licensee wants to impose that are in compliance with this article.
- (13) Any other information deemed necessary by the executive director, the commission, or the riverboat licensee to ensure compliance with the Act and this title and to ensure the integrity of the game.

(Indiana Gaming Commission; 68 IAC 10-2-2; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2258; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-2-3 Cards

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) Playing cards used in blackjack games shall comply with 68 IAC 14-3.

(b) The riverboat licensee may use one (1) to eight (8) decks of cards in the game of blackjack.

(c) Except as provided in section 16 of this rule, the value of the cards contained in a deck of cards is as follows:

(1) A card from two (2) to ten (10) has its face value.

(2) A jack, queen, or king has a value of ten (10).

(3) An ace has a value of either eleven (11) or one (1).

(d) Either the first or second card dealt to the dealer will be the dealer's hole card. If the dealer normally utilizes the first card dealt as the hole card, but the first card dealt to the dealer is accidentally exposed, the dealer may use the second card dealt to the dealer as the hole card. *(Indiana Gaming Commission; 68 IAC 10-2-3; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2258; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 10-2-4 Wagers; wagering rules; outcomes

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) Except as provided in subsection (c), before the first card is dealt for a round of play, a player may make a wager in an amount not less than the minimum nor more than the maximum amount set for the table by the riverboat licensee. All wagers must be made by placing gaming chips or tokens on the appropriate areas of the blackjack layout. The player wins an amount as determined in accordance with section 5 of this rule if any of the following events occur:

(1) The sum of the player's cards is twenty-one (21) or less, and the sum of the dealer's cards is more than twenty-one (21).

(2) The sum of the player's cards exceeds that of the dealer without exceeding twenty-one (21).

(3) The player has a blackjack, and the dealer does not.

(4) Other cards or combinations of cards based on promotions offered by the riverboat licensee if the executive director has approved the promotion.

(b) A wager is void and returned to the player when the sum of the player's cards is the same as the dealer or where both the dealer and the player have a blackjack. A player's wager is lost if the dealer has a blackjack and the sum of the player's cards is twenty-one (21), but is not a blackjack.

(c) Except when splitting pairs, doubling down, surrendering, making an insurance wager, or making an even money wager, no wager may be made, increased, or withdrawn after the first card of the round has been dealt.

(d) Except for splitting pairs, doubling down, surrendering, making an insurance wager, or making an even money wager, no player may handle, remove, or alter any wagers that have been made once the first card of the hand has been dealt by the dealer until the hand has been completed.

(e) After a wager on the insurance line, an even money wager, a surrender, a wager to double down, or a wager to split pairs has been confirmed by the dealer, no player may handle, remove, or alter any wager until the hand is completed.

(f) No dealer or other riverboat licensee employee may permit a player to violate this section. *(Indiana Gaming Commission; 68 IAC 10-2-4; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2258; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 10-2-5 Payment of wagers

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. (a) Winning wagers must be paid at odds of at least one (1) to one (1).

(b) The winning wager for a blackjack must be paid at odds of at least three (3) to two (2).

(c) All winning insurance wagers must be paid at odds of at least two (2) to one (1).

(d) All winning even money wagers must be paid at odds of at least one (1) to one (1).

(e) Promotional wagers must be paid at odds approved by the executive director. (*Indiana Gaming Commission; 68 IAC 10-2-5; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2259; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-2-6 Presentation of cards; shuffle and reshuffle

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 6. (a) When a new deck is put into play, the cards should be sorted and inspected in accordance with 68 IAC 14-3. After the cards are sorted and inspected, the dealer must spread the cards out, face upward on the table, for visual inspection by the players.

(b) After the cards are visually inspected by the players, the cards must be placed face down on the table and randomly intermixed so that the cards are no longer in sequential order.

(c) After the cards have been randomly intermixed in accordance with subsection (b), the cards must be:

(1) turned face downward on the table;

(2) shuffled so that they are randomly intermixed; and

(3) stacked.

(d) Cards may be shuffled utilizing an automatic card shuffler that has been approved in accordance with 68 IAC 2-7.

(e) The riverboat licensee may allow an occupational licensee to complete the steps set forth in subsections (a) and (b), in the presence of a supervisor, before the initial embarkation period of the gaming day.

(f) After each stack of cards is dealt, the dealer must reshuffle the cards so that they are randomly intermixed. A reshuffle of cards must take place after the cutting card is reached.

(g) The riverboat licensee may reshuffle the cards, in accordance with this section, at its discretion at any time before the cutting card is reached. (*Indiana Gaming Commission; 68 IAC 10-2-6; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2259; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-2-7 Cut

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 7. (a) After the cards have been shuffled, the dealer must offer the stack of cards with the backs facing away from the dealer to the cutting player to be cut in a manner that does not expose the value of any cards to a player or a spectator.

(b) The dealer must make a reasonable attempt to alternate the cut among all players.

(c) The cutting player must cut the cards by placing the cutting card in the stack at least five (5) cards from either end of the stack of cards. Once the cutting card has been inserted by the player, the dealer must take all cards in front of the cutting card and place them on the back of the stack after which the dealer must insert the cutting card in a position approximately a quarter of the distance from the back of the stack.

(d) If a shoe is used, the stack of cards must then be inserted into the shoe for the beginning of play. If a shoe is not used, the cards must be dealt from the hand of the dealer. (*Indiana Gaming Commission; 68 IAC 10-2-7; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2259; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-2-8 Procedure for dealing cards

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 8. (a) Cards used at a blackjack game must be dealt from the hand or from a dealing shoe specifically designed for the purpose and located on the table to the left of the dealer.

(b) If the dealer deals the cards by hand, the dealer may not turn the deck upside down and must keep the deck flat. The cards must be held and dealt in a manner that does not expose the value of any card to a player or a spectator.

(c) If a shoe is used, it must be attached to the table by means of a chain or another mechanism to prevent it from being removed from the table. (*Indiana Gaming Commission; 68 IAC 10-2-8; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2259; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-2-9 Player touching cards

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 9. (a) The riverboat licensee may allow the players to touch or hold, or both, the cards dealt to the player.

(b) Only the player to whom the cards have been dealt may touch that player's cards.

(c) The player may not touch the cards with the player's person or any instrument in any manner that would alter, mark, bend, or otherwise allow any card to be distinguished from any other card. (*Indiana Gaming Commission; 68 IAC 10-2-9; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2260; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-2-10 Burn procedure

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 10. (a) At the discretion of the riverboat licensee, the dealer may deal the first card face downward and place it in the discard rack, which must be located on the table immediately in front of or to the right of the dealer.

(b) A new dealer who comes to the table may also burn one (1) card before the new dealer deals cards to the player.

(c) At the discretion of the riverboat licensee, the burn card may be disclosed upon request. (*Indiana Gaming Commission; 68 IAC 10-2-10; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2260; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-2-11 The deal and play

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 11. (a) After two (2) cards have been dealt to each player and to the dealer, each player must double down, surrender, split pairs, stand, draw, make an insurance wager, or make an even money wager. As each player indicates the player's decision, the dealer must deal additional cards as necessary.

(b) The dealer may not look at the face of the dealer's hole card until all cards requested by the players are dealt to them or unless the dealer's exposed card is an ace or has the value of ten (10).

(c) If the cutting card is reached during the deal of the cards, the dealer must continue dealing until that round of play is completed. (*Indiana Gaming Commission; 68 IAC 10-2-11; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2260; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-2-12 Peeking procedure

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 12. (a) A riverboat licensee must use a peek procedure when the card received by the dealer, face up, is an ace to determine if the dealer has a blackjack. If the dealer has a blackjack, that round shall end.

(b) A riverboat licensee may use a peek procedure when the card received by the dealer, face up, has a face value of ten (10) to determine if the dealer has a blackjack. If the dealer has a blackjack, that round shall end.

(c) The dealer may peek at the hole card through the use of a peek machine or by lifting the hole card in a manner that reveals

the value of the hole card to the dealer but does not reveal the value of the hole card to any player or spectator of the game. (*Indiana Gaming Commission; 68 IAC 10-2-12; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2260; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-2-13 Hand signals

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 13. (a) A player shall indicate that the player wants an additional card by making a clearly visible hand motion as directed by the riverboat licensee.

(b) A player shall indicate that the player wants to stand and not receive additional cards by making a clearly visible hand motion as directed by the riverboat licensee.

(c) The riverboat licensee shall ensure that all players are aware of the correct hand motions that are to be utilized to signify the player wants to receive an additional card or wants to stand. (*Indiana Gaming Commission; 68 IAC 10-2-13; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2260; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-2-14 Prohibited acts

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 14. (a) A player may touch cards only as provided in this rule.

(b) A spectator may never touch the cards.

(c) A dealer may not touch the cards with the dealer's person or any instrument in any manner that would alter, mark, bend, or otherwise allow any card to be distinguished from any other card.

(d) No dealer or other riverboat licensee employee may permit player or spectator to engage in any activity that violates this rule. (*Indiana Gaming Commission; 68 IAC 10-2-14; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2260; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-2-15 Point counts

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 15. A player is responsible for correctly computing the point count of the player's hand. A player may not rely on the point counts announced by the dealer. (*Indiana Gaming Commission; 68 IAC 10-2-15; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2261; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-2-16 Drawing additional cards

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 16. (a) A player may elect to draw additional cards if the player's count total is less than twenty-one (21). A player with a blackjack or a hard or soft total of twenty-one (21) may not draw additional cards.

(b) A dealer must draw additional cards to the dealer's hand until the dealer has a hard or soft total of seventeen (17) or above. A dealer may not draw additional cards to the dealer's hand once a point total of seventeen (17) or above has been reached.

(c) A dealer may not draw additional cards to the dealer's hand, regardless of the point total, if decisions have been made on all of the players' hands and the point count of the dealer's hand will have no effect on the outcome. (*Indiana Gaming Commission; 68 IAC 10-2-16; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2261; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-2-17 Players wagering on multiple boxes of layout

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 17. A riverboat licensee may permit a player to wager on more than one (1) box or may limit multiple play during hours when there are insufficient seats in an establishment to accommodate patron demand. (*Indiana Gaming Commission; 68 IAC 10-2-17; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2261; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-2-18 Irregularities

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 18. (a) A card found turned face upward in the shoe or deck may not be used in the game and must be burned.

(b) After the initial two (2) cards have been dealt to each player and a card is drawn in error and exposed to the players, the card must be dealt to the players or the dealer. Additional cards may not be dealt to any player who has previously refused to accept a card during the round. If the card is refused by the player and the dealer has a point total of seventeen (17) or above and a card was exposed in error, the card must be burned. If the dealer does not have a point total of seventeen (17) or above, the dealer must accept the exposed card.

(c) If no players choose to receive additional cards and the dealer has a point total of seventeen (17) or above and the dealer exposes a card in error, the card must be burned.

(d) A card cannot be backed up or given to a player who has previously been offered a card once the card has been exposed.

(e) If the dealer misses dealing the first or second card to the dealer, the dealer must continue dealing the first two (2) cards to each player, and then deal the correct number of cards to the dealer.

(f) If there are insufficient cards remaining in the shoe or deck to complete a round of play, the cards in the discard rack must be shuffled and cut. The dealer must then complete the round of play.

(g) If no cards are dealt to a player's hand, the player's wager is returned and the player may be included in the next deal.

(h) If only one (1) card is dealt to the player's hand, the dealer must deal the second card to the player after all other players have received a second card. (*Indiana Gaming Commission; 68 IAC 10-2-18; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2261; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-2-19 Surrender

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 19. (a) The riverboat licensee may permit the player the option of surrendering the player's cards by forfeiting one-half (½) of the player's original wager if the dealer does not have a blackjack.

(b) A player must surrender before receiving additional cards to the player's hand. (*Indiana Gaming Commission; 68 IAC 10-2-19; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2261; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 3. Roulette

68 IAC 10-3-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) Riverboat licensees may only offer the game of roulette on a table and layout that are in compliance with 68 IAC 14.

(c) No patron shall be issued or permitted to play with nonvalue chips that are identical in color and design to value chips or to nonvalue chips being used by another patron at the same roulette table. When a patron purchases nonvalue chips, a nonvalue chip of the same color shall be placed in a slot or receptacle attached to the outer rim of the roulette wheel. At the same time, a marker

or the equivalent denoting the value of a stack of twenty (20) nonvalue chips of that color shall be placed in the same slot or receptacle.

(d) The following definitions apply throughout this rule:

- (1) "Black bet" means a wager placed on the numbers that are black.
- (2) "Cash out" means the act of the patron exchanging nonvalue chips for value chips prior to leaving the roulette table.
- (3) "Column bet" means a wager placed on all twelve (12) numbers in one (1) column.
- (4) "Corner bet" means a wager placed on the four (4) numbers which form a corner.
- (5) "Crown or dolly" means the point marker that is placed on the layout to indicate the compartment in which the roulette ball came to rest.
- (6) "Dealer" means an occupational licensee of the riverboat licensee who is conducting the roulette game.
- (7) "Dozen bet" means a wager placed on any of the following:
 - (A) The numbers one (1) through twelve (12).
 - (B) The numbers thirteen (13) through twenty-four (24).
 - (C) The numbers twenty-five (25) through thirty-six (36).
- (8) "Eighteen number bet" means a wager placed on one (1) of the following:
 - (A) The numbers one (1) through eighteen (18).
 - (B) The numbers nineteen (19) through thirty-six (36).
- (9) "Even bet" means a wager placed on the even numbers of the roulette wheel.
- (10) "Five number bet" means a wager placed on the following five (5) numbers:
 - (A) Zero (0).
 - (B) Double zero (00).
 - (C) One (1).
 - (D) Two (2).
 - (E) Three (3).
- (11) "Inside bet" means a wager within the field of thirty-eight (38) numbers corresponding with the numbers on the roulette wheel, including the following:
 - (A) Corner bet.
 - (B) Five number bet.
 - (C) Line bet.
 - (D) Row bet.
 - (E) Split bet.
 - (F) Straight up bet.
- (12) "Line bet" means a wager placed on the six (6) numbers contained in two (2) rows.
- (13) "Odd bet" means a wager placed on the odd numbers of the roulette wheel.
- (14) "Outside bet" means a wager that is placed outside the field of thirty-eight (38) numbers, including the following:
 - (A) Black bet.
 - (B) Column bet.
 - (C) Dozen bet.
 - (D) Eighteen number bet.
 - (E) Even bet.
 - (F) Odd bet.
 - (G) Red bet.
- (15) "Red bet" means a wager placed on the numbers that are red.
- (16) "Row or street bet" means a wager placed on the three (3) numbers in a row.
- (17) "Split bet" means a wager placed on two (2) numbers.
- (18) "Straight up bet" means a wager on the following:
 - (A) Single number from one (1) to thirty-six (36).
 - (B) Zero (0).
 - (C) Double zero (00).

(Indiana Gaming Commission; 68 IAC 10-3-1; filed Jul 18, 1996, 8:45 a.m.; 19 IR 3319; readopted filed Nov 25, 2002, 10:11 a.m.:

26 IR 1261)

68 IAC 10-3-2 Submission of rules of the game

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) In accordance with 68 IAC 10-1, the riverboat licensee or riverboat license applicant shall submit rules of the game covering roulette if the riverboat licensee will offer the game of roulette.

(b) The rules of the game for roulette shall include, but are not limited to, the following:

- (1) Whether or not each roulette wheel will be a single zero (0) wheel or a double zero (00) wheel.
- (2) The number of roulette wheels that will be on the riverboat.
- (3) The location of the roulette wheels on the riverboat.
- (4) The minimum and maximum wagers that will be allowed.
- (5) The procedures that will be utilized by the riverboat licensee to raise the house limit for individual patrons.
- (6) The manner in which the riverboat licensee will handle any irregularities not covered in section 6 of this rule.
- (7) Any additional rules of the game the riverboat licensee wants to impose that are in compliance with this article.
- (8) Any other information deemed necessary by the executive director, the commission, or the riverboat licensee or the riverboat license applicant to ensure compliance with the Act and this title and to ensure the integrity of the game.

(Indiana Gaming Commission; 68 IAC 10-3-2; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3320; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-3-3 Rotation of wheel and ball

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) The dealer shall spin the roulette ball in a direction opposite to the rotation of the wheel. To constitute a valid spin, the ball must complete at least four (4) revolutions around the track of the wheel.

(b) While the ball is still rotating around the wheel in the track, the dealer shall announce "No more bets" to the patrons at the table. The dealer shall not accept any bets after the dealer announces "No more bets".

(c) When the ball comes to rest in a compartment around the wheel, the dealer shall announce the number of the compartment and place a crown on that number of the roulette layout.

(d) After placing the crown on the appropriate number of the layout, the dealer shall:

- (1) collect all losing wagers; and
- (2) pay off all winning wagers.

(Indiana Gaming Commission; 68 IAC 10-3-3; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3320; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-3-4 Wagers; wagering rules; outcome

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) Before the dealer announces "No more bets", a player may make a wager in an amount not less than the minimum nor more than the maximum amount set for the roulette table by the riverboat licensee.

(b) All wagers must be made by placing value or nonvalue chips in the appropriate area of the roulette layout. The player is responsible for ensuring that the player's wagers are placed on the appropriate area of the layout. Winning wagers are determined by the location on the layout of the value chips and nonvalue chips.

(c) The riverboat licensee may permit a player to wager with value chips or may require the player to purchase nonvalue chips.

(d) No dealer or other riverboat licensee employee may permit a player to violate this section.

(e) If the roulette ball drops in zero (0) or double zero (00), all outside bets are lost. *(Indiana Gaming Commission; 68 IAC 10-3-4; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3321; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 10-3-5 Payment of wagers

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. (a) Winning wagers must be paid at the following odds:

- (1) Straight up bets must be paid at odds of at least thirty-five (35) to one (1).
- (2) Split bets must be paid at odds of at least seventeen (17) to one (1).
- (3) Row or street bets must be paid at odds of at least eleven (11) to one (1).
- (4) Corner bets must be paid at odds at least eight (8) to one (1).
- (5) Five number bets must be paid at odds at least six (6) to one (1).
- (6) Line bets must be paid at odds at least five (5) to one (1).
- (7) Dozen bets must be paid at odds at least two (2) to one (1).
- (8) Column bets must be paid at odds at least two (2) to one (1).
- (9) Eighteen number bets must pay odds at least one (1) to one (1).
- (10) Red or black bets must pay odds at least one (1) to one (1).
- (11) Odd or even bets must pay odds at least one (1) to one (1).

(b) Promotional wagers must be paid at odds approved by the executive director and which are reasonable in the industry.

(Indiana Gaming Commission; 68 IAC 10-3-5; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3321; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-3-6 Irregularities

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 6. (a) If the dealer spins the ball in the same direction as the rotation of the wheel, the dealer shall announce "No spin" and shall attempt to remove the ball from the wheel prior to its coming to rest in one (1) of the compartments.

(b) If the roulette ball does not complete four (4) revolutions around the track of the roulette wheel, the dealer shall announce "No spin" and shall attempt to remove the roulette ball from the wheel prior to the ball coming to rest in one (1) of the compartments.

(c) If the roulette ball leaves the surface area of the roulette wheel, the dealer shall announce "No spin" and shall retrieve the roulette ball. If the roulette ball is damaged, it shall be removed from play and replaced with an undamaged roulette ball.

(d) If a foreign object enters the roulette wheel prior to the roulette ball coming to rest, the dealer shall announce "No spin" and shall attempt to remove the roulette ball from the roulette wheel prior to its coming to rest in one (1) of the compartments.

(Indiana Gaming Commission; 68 IAC 10-3-6; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3321; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-3-7 Utilization of double wheel as single wheel

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 7. When roulette is played on a double zero (00) wheel that is being used as single zero (0) roulette wheel game, the following shall be required:

(1) Notice shall be provided in accordance with 68 IAC 14-7.

(2) If the roulette ball comes to rest in the compartment marked double zero (00), the dealer shall announce "No spin".

(Indiana Gaming Commission; 68 IAC 10-3-7; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3321; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

Rule 4. Craps

68 IAC 10-4-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) Riverboat licensees may only offer the game of craps on a table and layout that is in compliance with 68 IAC 14.

(c) The following definitions apply throughout this rule:

(1) "Base dealer" means the two (2) occupational licensees of the riverboat licensee who are located on each end of the inside of the craps table. The base dealers are responsible for taking, paying, booking all bets on the appropriate end of the craps table, making change for patrons, booking and paying proposition bets on the appropriate end of the craps table, and marking the point after each come-out roll.

(2) "Boxperson" means the occupational licensee of the riverboat licensee who is the supervisor of the craps game being conducted and who assists booking and paying proposition bets at the craps table at which the boxperson is located.

(3) "Come-out point" means one (1) of the following point totals is thrown by the shooter on the come-out roll:

(A) Four (4).

(B) Five (5).

(C) Six (6).

(D) Eight (8).

(E) Nine (9).

(F) Ten (10).

(4) "Come-out roll" means one (1) of the following:

(A) The first roll of the dice at the opening of the game.

(B) The first roll of the dice after a decision with respect to a pass bet and don't pass bet has been effected.

(5) "Come point" means one (1) of the following point totals thrown by the shooter on the next roll following placement of a come bet or a don't come bet:

(A) Four (4).

(B) Five (5).

(C) Six (6).

(D) Eight (8).

(E) Nine (9).

(F) Ten (10).

(6) "Hard way" means a roll of the dice that results in the same number appearing on each die and that results in a point total of one (1) of the following:

(A) Four (4).

(B) Six (6).

(C) Eight (8).

(D) Ten (10).

(7) "Roll" means the throw of the dice by the shooter.

(8) "Seven out" means a total of seven (7) thrown by the shooter subsequent to the establishment of a come-out point.

(9) "Shooter" means the patron who throws the dice.

(10) "Stickperson" means the occupational licensee of the riverboat licensee who is positioned at the center of the outside of the craps table who is responsible for booking and announcing the payoffs of winning proposition bets and who establishes the pace of the game. The stickperson is responsible for dice security.

(11) "Total" means the sum of the number shown on the high or uppermost sides of the two (2) dice on any given roll.

(12) "True odds" means odds that are paid based upon the number of times the point total of the number on which the wager is placed can be thrown as compared to the number of times a seven (7) can be thrown when utilizing two (2) die.

(13) "Vigorish" or "commission" means a charge which constitutes a percentage charged by the riverboat licensee on either the amount placed as a wager or the amount won on a wager made by a patron on a lay or buy bet.

(d) Unless otherwise approved by the executive director, riverboat licensees may not charge a vigorish of more than five percent (5%) of the wager that is placed on a bet.

(e) Craps games may only be conducted when, at a minimum, the following individuals are present:

- (1) One (1) boxperson.
- (2) One (1) stickperson.
- (3) Two (2) base dealers.

(Indiana Gaming Commission; 68 IAC 10-4-1; filed Oct 30, 1997, 12:40 p.m.: 21 IR 923; errata filed Feb 6, 1998, 10:30 a.m.: 21 IR 2128; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-4-2 Submission of rules of the game

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) In accordance with 68 IAC 10-1, the riverboat licensee or riverboat license applicant shall submit rules of the game covering craps if the riverboat licensee will offer the game of craps.

(b) The rules of the game shall include, but are not limited to, the following:

- (1) The number of craps tables that will be on the riverboat.
- (2) The location of the craps tables on the riverboat.
- (3) The minimum and maximum wagers that will be allowed for all wagers allowed in section 7 of this rule and for all supplemental wagers allowed in section 8 of this rule.
- (4) The procedures that will be utilized by the riverboat licensee to raise the house limits for individual patrons.
- (5) The wagers that the riverboat licensee will allow patrons to place at the craps table. Only those wagers listed in sections 7 and 8 of this rule may be offered by the riverboat licensee. If the riverboat licensee would like to allow patrons to place additional wagers, the riverboat licensee must request that ability. The ability to allow additional wagers must be included in the submittal of the internal control procedures and in a separate submittal addressed to the chief counsel for the commission. The additional wagers must be approved by the commission, in writing, before a riverboat licensee may allow a patron to place such a wager.
- (6) Those bets that will be considered inactive during the come-out roll. The manner in which the patron may make the bet active, and how that will be noted on the craps table by the riverboat licensee.
- (7) The odds that the riverboat licensee will offer for the various bets that may be placed in the game of craps in accordance with section 7 of this rule. If the riverboat licensee wants to change the odds in any manner, the changes must be submitted, in writing, to the chief counsel for the commission at least thirty (30) days prior to the utilization of the odds. The changes to the odds must be approved by the commission, in writing, before a riverboat licensee may offer the changed odds.
- (8) The odds that the riverboat licensee will offer for the supplemental bets that may be placed in the game of craps in accordance with section 8 of this rule. If the riverboat licensee wants to change the odds in any manner, the change must be submitted, in writing, to the chief counsel for the commission at least thirty (30) days prior to the utilization of the odds. The changes to the odds must be approved by the commission, in writing, before a riverboat licensee may offer the changed odds.
- (9) The amount of vigorish that the riverboat licensee will charge the patron to place a buy bet or a lay bet in return for true odds.
- (10) The manner in which the riverboat licensee will handle any situations not covered in this rule.
- (11) Any additional rules of the game the riverboat licensee wants to impose that are in compliance with this article.
- (12) Any other information deemed necessary by the executive director, the commission, or the riverboat licensee to ensure compliance with the Act and this title and to ensure the integrity of the game.

(Indiana Gaming Commission; 68 IAC 10-4-2; filed Oct 30, 1997, 12:40 p.m.: 21 IR 923; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-4-3 Dice; selection of the shooter

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) Dice used in craps games shall comply with 68 IAC 14-3. The riverboat licensee shall offer the shooter at least five (5) dice from which the shooter shall select two (2) dice to roll.

(b) The stickperson shall select the shooter by offering the selection of dice to the patron immediately to the left of the boxperson. If that patron rejects the dice, the stickperson shall offer the dice to each patron in turn, located clockwise to the left of the boxperson until one (1) of the players selects the dice. The shooter shall select two (2) of the die offered to roll. The remaining dice are returned to the dice bowl which shall be located in close proximity to the stickperson.

- (c) To serve as a shooter, a patron must have placed a pass or don't pass bet on the craps table.
- (d) The patron shall continue to serve as the shooter unless one (1) of the following occurs:
 - (1) The shooter throws a seven (7) after the come-out point has been established.
 - (2) The stickperson or boxperson has determined that the patron does one (1) of the following:
 - (A) Continually rolls the dice in an invalid manner in accordance with section 4 of this rule.
 - (B) The patron unreasonably delays the play of the game.
 - (C) The patron violates the Act or this title.

The patron may voluntarily relinquish control of the dice.

(e) When a new shooter is to be selected, selection shall proceed in accordance with subsection (b). (*Indiana Gaming Commission; 68 IAC 10-4-3; filed Oct 30, 1997, 12:40 p.m.: 21 IR 924; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-4-4 Proper and invalid rolls of dice

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) The shooter shall throw the two (2) selected dice to the far end of the table for the purpose of bouncing the dice off the backboard of the craps table. The shooter must make a good faith attempt to bounce the dice off the backboard of the craps table.

- (b) A roll of the dice shall be deemed invalid if one (1) of the following occurs:
 - (1) One (1) or both of the dice go off of the craps table.
 - (2) If more than two (2) dice are thrown.
- (c) The stickperson may declare the following rolls invalid:
 - (1) If one (1) of the die comes to rest on top of the other die.
 - (2) If a patron other than the shooter throws the dice.
 - (3) If the dice do not leave the shooter's hand simultaneously.
 - (4) If one (1) or both dice come to rest in the dice bowl.
 - (5) If one (1) or both dice come to rest on the rail of the craps table.
 - (6) If the shooter has not placed a pass bet or don't pass bet.
 - (7) If the shooter throws the dice in the wrong direction on the craps table.
 - (8) If the shooter slides the dice across the table so that one (1) or both of the dice do not roll or tumble.
 - (9) If one (1) or both dice do not fall flat on the craps table, but rest on the chips or tokens stacked on the craps table.
 - (10) If the shooter does not make a good faith attempt to bounce the dice off the backboard and the dice are not thrown at least one-half (½) the length of the craps table.
 - (11) If the dice come to rest in a manner that it cannot be determined which face of the die is uppermost.

The stickperson's declaration of an invalid roll may be overturned in accordance with section 5 of this rule. (*Indiana Gaming Commission; 68 IAC 10-4-4; filed Oct 30, 1997, 12:40 p.m.: 21 IR 924; errata filed Feb 6, 1998, 10:30 a.m.: 21 IR 2128; filed Dec 29, 1998, 10:43 a.m.: 22 IR 1423; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-4-5 Point total announcement

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. (a) After the dice come to rest, the stickperson shall clearly and audibly announce the point total based on the uppermost face of each die. If there is a dispute as to which face of a die is uppermost, the boxperson shall make the final decision. The boxperson may declare the roll invalid in accordance with section 4(c)(11) of this rule. Supervisory personnel of the riverboat licensee may overrule the decision of the boxperson and may declare the roll invalid in accordance with section 4(c)(11) of this rule.

(b) After the stickperson has announced the point total of the throw, the stickperson shall rake the dice with the appropriate stick to the center of the table in an area of the craps layout located in front of the stickperson. The stickperson shall make a good faith effort to ensure that the uppermost face of the dice continues to reflect the point total announced by the stickperson until all wagers for that roll have been settled.

(c) The dice shall not be returned to the shooter until all wagers made on a roll have been settled. (*Indiana Gaming Commission; 68 IAC 10-4-5; filed Oct 30, 1997, 12:40 p.m.: 21 IR 925; errata filed Feb 6, 1998, 10:30 a.m.: 21 IR 2128; filed Dec 29, 1998, 10:43 a.m.: 22 IR 1424; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-4-6 Permissible wagers

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 6. (a) Riverboat licensees may allow patrons to place the following wagers:

- (1) Pass bet.
- (2) Don't pass bet.
- (3) Come bet.
- (4) Don't come bet.
- (5) Any craps bet.
- (6) Craps two bet.
- (7) Craps three bet.
- (8) Craps twelve bet.
- (9) Craps and eleven bet.
- (10) Any seven bet.
- (11) Eleven bet.
- (12) Four the hard way bet.
- (13) Six the hard way bet.
- (14) Eight the hard way bet.
- (15) Ten the hard way bet.
- (16) Big six bet.
- (17) Big eight bet.
- (18) Field bet.
- (19) Horn bet.
- (20) Horn high bet.
- (21) Place bet.
- (22) Buy bet.
- (23) Lay bet.
- (24) World bet.
- (25) High low bet.

(b) Riverboat licensees may not allow patrons to place any other wagers unless approved by the commission in accordance with section 2(b)(5) of this rule. (*Indiana Gaming Commission; 68 IAC 10-4-6; filed Oct 30, 1997, 12:40 p.m.: 21 IR 925; errata filed Feb 6, 1998, 10:30 a.m.: 21 IR 2128; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-4-7 Wagers; wagering rules; outcomes

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 7. (a) A pass bet is a wager that is placed on the pass line of the craps layout and that may be placed at any time. The following are the outcomes of the pass bet:

- (1) The pass bet shall win if one (1) of the following occurs:
 - (A) One (1) of the following totals is thrown on the come-out roll:

- (i) Seven (7).
- (ii) Eleven (11).

(B) One (1) of the following point totals is thrown and that same total is thrown again before a seven (7) appears:

- (i) Four (4).
- (ii) Five (5).
- (iii) Six (6).
- (iv) Eight (8).
- (v) Nine (9).
- (vi) Ten (10).

(2) The pass bet shall lose if one (1) of the following occurs:

(A) One (1) of the following point totals is thrown on the come-out roll:

- (i) Two (2).
- (ii) Three (3).
- (iii) Twelve (12).

(B) One (1) of the following point totals is thrown and a seven (7) subsequently appears before that same point total is thrown:

- (i) Four (4).
- (ii) Five (5).
- (iii) Six (6).
- (iv) Eight (8).
- (v) Nine (9).
- (vi) Ten (10).

(b) A don't pass bet is a wager that is placed on the don't pass line of the craps layout. A don't pass bet may only be placed before the come-out roll is thrown. The following are the outcomes of the don't pass bet:

(1) The don't pass bet shall win if one (1) of the following occurs:

(A) One (1) of the following point totals is thrown on the come-out roll:

- (i) Two (2).
- (ii) Three (3).

(B) One (1) of the following point totals is thrown and a seven (7) subsequently appears before that same point total is thrown again:

- (i) Four (4).
- (ii) Five (5).
- (iii) Six (6).
- (iv) Eight (8).
- (v) Nine (9).
- (vi) Ten (10).

(2) The don't pass bet shall lose if one (1) of the following occurs:

(A) One (1) of the following point totals is thrown on the come-out roll:

- (i) Seven (7).
- (ii) Eleven (11).

(B) One (1) of the following point totals is thrown and that point total is thrown again before a seven (7) is thrown:

- (i) Four (4).
- (ii) Five (5).
- (iii) Six (6).
- (iv) Eight (8).
- (v) Nine (9).
- (vi) Ten (10).

(3) The don't pass bet is void and returned to the patron if a point total of twelve (12) is thrown on the come-out roll.

(c) The come bet is a wager that is placed on the come area of the craps layout and may be placed at any time after the come-out roll has been thrown. The following are the outcomes of the come bet:

- (1) The come bet shall win if one (1) of the following occurs:
 - (A) One (1) of the following point totals is thrown on the roll immediately following the placement of the come bet:
 - (i) Seven (7).
 - (ii) Eleven (11).
 - (B) One (1) of the following point totals is thrown and that total is thrown again before a seven (7) appears:
 - (i) Four (4).
 - (ii) Five (5).
 - (iii) Six (6).
 - (iv) Eight (8).
 - (v) Nine (9).
 - (vi) Ten (10).
 - (2) The come bet shall lose if one (1) of the following occurs:
 - (A) One (1) of the following point totals is thrown immediately after the placement of the come bet:
 - (i) Two (2).
 - (ii) Three (3).
 - (iii) Twelve (12).
 - (B) One (1) of the following point totals is thrown and a seven (7) subsequently appears before that point total is thrown again:
 - (i) Four (4).
 - (ii) Five (5).
 - (iii) Six (6).
 - (iv) Eight (8).
 - (v) Nine (9).
 - (vi) Ten (10).
- (d) The don't come bet is a wager that is placed on the don't come area of the craps layout and that may be placed at any time after the come-out roll has been thrown. The following are the outcomes of the don't come bet:
- (1) The don't come bet shall win if one (1) of the following occurs:
 - (A) One (1) of the following point totals is thrown on the roll immediately following the placement of the don't come bet:
 - (i) Two (2).
 - (ii) Three (3).
 - (B) One (1) of the following point totals is thrown and a seven (7) subsequently appears before that point total is thrown again:
 - (i) Four (4).
 - (ii) Five (5).
 - (iii) Six (6).
 - (iv) Eight (8).
 - (v) Nine (9).
 - (vi) Ten (10).
 - (2) The don't come bet shall lose if one (1) of the following occurs:
 - (A) One (1) of the following point totals is thrown on the roll immediately following the placement of the don't come bet:
 - (i) Seven (7).
 - (ii) Eleven (11).
 - (B) One (1) of the following point totals is thrown and that point total is thrown again before a seven (7) appears:
 - (i) Four (4).
 - (ii) Five (5).
 - (iii) Six (6).
 - (iv) Eight (8).
 - (v) Nine (9).

(vi) Ten (10).

(3) The don't come bet is void and the wager returned to the patron if a point total of twelve (12) is thrown on the roll immediately following the placement of the don't come bet.

(e) The any craps bet is a one (1) roll wager that may be made at any time and that will win if one (1) of the following point totals is thrown on the roll immediately following the placement of the any craps bet:

- (1) Two (2).
- (2) Three (3).
- (3) Twelve (12).

The any craps bet will lose if any other point total is thrown on the roll immediately following the placement of the any craps bet.

(f) The craps two bet is a one (1) roll wager that may be made at any time. The craps two wager will win if a point total of two (2) is thrown on the roll immediately following the placement of the craps two bet and loses if any other point total is thrown on the roll immediately following the placement of the craps two bet.

(g) The craps three bet is a one (1) roll wager that may be made at any time. The craps three wager will win if a point total of three (3) is thrown on the roll immediately following the placement of the craps three bet and loses if any other point total is thrown on the roll immediately following the placement of the craps three bet.

(h) The craps twelve bet is a one (1) roll wager that may be made at any time. The craps twelve wager will win if a point total of twelve (12) is thrown on the roll immediately following the placement of the craps twelve bet and loses if any other point total is thrown on the roll immediately following the placement of the craps twelve bet.

(i) The craps and eleven bet is a one (1) roll split wager that may be made at any time. The craps and eleven bet will be split in one-half (½) with equal portions being placed on the craps and the eleven (11). The craps and eleven bet will win if one (1) of the following totals is thrown on the roll immediately following the placement of the wager:

- (1) Two (2).
- (2) Three (3).
- (3) Eleven (11).
- (4) Twelve (12).

The craps and eleven bet is paid off based upon only that one-half (½) of the wager that is placed on the craps and a two (2), three (3), or a twelve (12) is thrown resulting in a winning wager or based upon only that one-half (½) of the wager that is placed on the eleven (11) and the eleven (11) is thrown resulting in a winning wager. The other one-half (½) of the wager is lost.

(j) The any seven wager is a one (1) roll wager that may be made at any time and that will win if a point total of seven (7) is thrown on the roll immediately following the placement of the any seven bet and shall lose if any other point total is thrown on the roll immediately following the placement of the any seven bet. The any seven wager will lose if any other point total is thrown on the roll immediately following the placement of the any seven wager.

(k) The eleven bet is a one (1) roll wager that may be made at any time and that wins if a total of eleven (11) is thrown on the roll immediately following the placement of the wager.

(l) The four the hard way bet is a wager that may be made at any time and that wins if a total of four (4) is thrown the hard way before a four (4) is thrown in any other way and before a seven (7) is thrown.

(m) The six the hard way bet is a wager that may be made at any time and that wins if a total of six (6) is thrown the hard way before a six (6) is thrown in any other way and before a seven (7) is thrown.

(n) The eight the hard way bet is a wager that may be made at any time and that wins if a total of eight (8) is thrown the hard way before an eight (8) is thrown in any other way and before a seven (7) is thrown.

(o) The ten the hard way bet is a wager that may be made at any time and that wins if a total of ten (10) is thrown the hard way before a ten (10) is thrown in any other way and before a seven (7) is thrown.

(p) The big six bet is a wager that may be made at any time and that wins if a six (6) is thrown before a seven (7) is thrown.

(q) The big eight bet is a wager that may be made at any time and that wins if an eight (8) is thrown before a seven (7) is thrown.

(r) The field bet is a one (1) roll wager that may be made at any time and that wins if one (1) of the following totals is thrown on the roll immediately following the placement of the field bet:

- (1) Two (2).
- (2) Three (3).
- (3) Four (4).

- (4) Nine (9).
- (5) Ten (10).
- (6) Eleven (11).
- (7) Twelve (12).

The field bet loses if any other point total is thrown on the roll immediately following the placement of the field bet.

(s) The horn bet is a one (1) roll wager that may be made at any time and that wins if any of the following totals are thrown immediately following the placement of the horn bet:

- (1) Two (2).
- (2) Three (3).
- (3) Eleven (11).
- (4) Twelve (12).

The horn bet will lose if any other number is thrown on the roll immediately following the placement of the wager.

(t) The horn high bet is a one (1) roll split wager that may be made at any time. The following horn high wagers may be placed:

- (1) Horn high aces.
- (2) Horn high three.
- (3) Horn high eleven.
- (4) Horn high twelve.

Horn high bets must be placed in units of five (5). Four-fifths ($\frac{4}{5}$) of the wager is allocated to the horn bet with the remaining one-fifth ($\frac{1}{5}$) being allocated on the number listed in subdivisions (1) through (4) that is designated by the patron. The portion of the wager designated to the horn bet will win if a two (2), three (3), eleven (11), or twelve (12) is thrown on the roll immediately following the placement of the horn high wager. If any other point total is thrown, that portion designated to the horn bet will lose. The remaining one-fifth ($\frac{1}{5}$) of the wager is designated to the high portion of the bet and will win if the number designated by the player is thrown on the roll immediately following the placement of the horn high wager. If any point total other than the number designated by the player as the high portion of the bet is thrown on the roll immediately following the placement of the horn high bet, the one-fifth ($\frac{1}{5}$) portion of the bet designated to the high portion is lost.

(u) A place bet means a wager that may be made at any time on the following numbers:

- (1) Four (4).
- (2) Five (5).
- (3) Six (6).
- (4) Eight (8).
- (5) Nine (9).
- (6) Ten (10).

A place bet will win if the number on which the bet is placed is thrown before a seven (7) is thrown. A place bet will lose if the number seven (7) is thrown before the number on which the wager is placed is thrown.

(v) The buy bet is a wager that may be made at any time any of the following numbers:

- (1) four (4);
- (2) five (5);
- (3) six (6);
- (4) eight (8);
- (5) nine (9); or
- (6) ten (10).

The buy bet will win if the number on which the wager was placed is thrown before a seven (7) is thrown. The buy bet will lose if a seven (7) is thrown before the number on which the wager is placed is thrown. The patron may pay a commission when placing a buy bet in return for receiving true odds if the buy bet wins.

(w) A lay bet means a wager that may be placed on any of the following numbers:

- (1) Four (4).
- (2) Five (5).
- (3) Six (6).
- (4) Eight (8).
- (5) Nine (9).

(6) Ten (10).

The lay bet may be placed at any time and will win if a seven (7) is thrown before the number on which the bet is placed is thrown. The patron may pay a commission when placing the lay bet in return for receiving true odds if the lay bet wins.

(x) The world bet is a one (1) roll split wager that may be made at any time and that must be made in units of five (5). One-fifth ($\frac{1}{5}$) of the wager is allocated to the following numbers:

- (1) Two (2).
- (2) Three (3).
- (3) Seven (7).
- (4) Eleven (11).
- (5) Twelve (12).

The world bet will win if one (1) of the numbers listed in subdivisions (1) through (5) are thrown on the roll immediately following the placement of the wager. The world bet is paid off based upon only that one-fifth ($\frac{1}{5}$) portion of the wager that is placed on the number that is thrown and results in a winning wager. The other four-fifths ($\frac{4}{5}$) of the wager is lost. The world bet loses if any other point total is thrown on the roll immediately following the placement of the world bet.

(y) The high low bet is a one (1) roll split wager that may be made at any time. The high low bet is split in one-half ($\frac{1}{2}$) with equal portions being placed on the two (2) and the twelve (12). The high low bet will win if either a two (2) or a twelve (12) is thrown on the roll immediately following the placement of the bet. The high low bet is paid off based upon only that one-half ($\frac{1}{2}$) of the wager that is placed on the number that is thrown and results in a winning wager. The other one-half ($\frac{1}{2}$) of the wager is lost. *(Indiana Gaming Commission; 68 IAC 10-4-7; filed Oct 30, 1997, 12:40 p.m.: 21 IR 925; errata filed Feb 6, 1998, 10:30 a.m.: 21 IR 2128; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 10-4-8 Supplemental wagers

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 8. (a) The riverboat licensee may allow the patron to make supplemental wagers in accordance with subsection (b). The riverboat licensee may limit the amount of the supplemental wager placed by the patron. Supplemental wagers are paid at true odds. Riverboat licensees may require a patron to increase a supplemental wager to the next increment that will allow the payment of true odds.

(b) The riverboat licensee may allow the patron to place the following supplemental wagers:

(1) When a patron makes a pass bet and one (1) of the totals in clauses (A) through (F) is thrown on the come-out roll:

- (A) Four (4).
- (B) Five (5).
- (C) Six (6).
- (D) Eight (8).
- (E) Nine (9).
- (F) Ten (10).

The patron shall have the option of making a supplemental wager in support of the pass bet. If the pass bet wins, the patron shall be paid based on the odds established for the pass bet and the odds established for the supplemental bet in accordance with section 2(b)(8) of this rule.

(2) When a patron makes a don't pass bet and one (1) of the totals in clauses (A) through (F) is thrown on the come-out roll:

- (A) Four (4).
- (B) Five (5).
- (C) Six (6).
- (D) Eight (8).
- (E) Nine (9).
- (F) Ten (10).

The patron shall have the option of making a supplemental wager in support of the don't pass bet. If the don't pass bet wins, the patron shall be paid based on the odds established for the pass bet and the odds established for the supplemental bet in accordance with section 2(b)(8) of this rule.

(3) When a patron makes a come bet and one (1) of the totals in clauses (A) through (F) is thrown on the roll immediately following the placement of the bet:

- (A) Four (4).
- (B) Five (5).
- (C) Six (6).
- (D) Eight (8).
- (E) Nine (9).
- (F) Ten (10).

The patron shall have the option of making a supplemental wager in support of the come bet. If the come bet wins, the patron shall be paid based on the odds established for the come bet and the odds established for the supplemental bet in accordance with section 2(b)(8) of this rule.

(4) When a patron makes a don't come bet and one (1) of the totals in clauses (A) through (F) is thrown on the roll immediately following the placement of the bet:

- (A) Four (4).
- (B) Five (5).
- (C) Six (6).
- (D) Eight (8).
- (E) Nine (9).
- (F) Ten (10).

The patron shall have the option of making a supplemental wager in support of the don't come bet. If the don't come bet wins, the patron shall be paid based on the odds established for the don't come bet and the odds established for the supplemental bet in accordance with section 2(b)(8) of this rule.

(Indiana Gaming Commission; 68 IAC 10-4-8; filed Oct 30, 1997, 12:40 p.m.: 21 IR 929; errata filed Feb 6, 1998, 10:30 a.m.: 21 IR 2128; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-4-9 Posting of odds

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 9. Riverboat licensees shall have the odds that they will pay winning wagers posted on the layout or on a placard attached to the craps table. *(Indiana Gaming Commission; 68 IAC 10-4-9; filed Oct 30, 1997, 12:40 p.m.: 21 IR 929; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 10-4-10 Placement and acceptance of wagers

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 10. (a) Wagers shall be placed before the dice are thrown.

(b) If a patron presents cash to place a wager, the cash must be immediately converted into chips or tokens by the dealer or the stickperson before the dice are thrown. If the cash is not converted into chips or tokens before the dice are thrown, the wager shall not be considered as having been made.

(c) Except as provided in subsection (d), a wager made on any bet may be removed or reduced by the patron at any time prior to the roll that determines the outcome of the bet.

(d) The patron may not reduce or remove a pass or a come bet placed by the patron after a come-out point or come point is established with respect to the bet.

(e) The patron may increase the amount of the wager the patron has placed on the pass line or the come line after the come-out point or come point is established with respect to the bet.

(f) The patron may remove or reduce a wager the patron placed on a don't come bet or a don't pass bet at any time, but the patron may not increase or replace the don't come bet or don't pass bet once it has been decreased or removed.

(g) The patron may not alter or remove any wager after the dice have left the shooter's hands.

(h) The patron is responsible for ensuring that his or her bets are placed on the appropriate area of the craps layout that designates the bet that the patron wants the wager placed on. (*Indiana Gaming Commission; 68 IAC 10-4-10; filed Oct 30, 1997, 12:40 p.m.: 21 IR 929; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 5. Big Six

68 IAC 10-5-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) The game of Big Six shall be conducted in conformance with this rule.

(c) Riverboat licensees may only offer the game of Big Six on a table and layout that are in compliance with 68 IAC 14.

(d) The following definitions apply throughout this rule:

(1) "Clapper" means the item located on the frame of the wheel that will stop on a number to designate a winner.

(2) "Peg" means the items located on the wheels that protrude from the wheel so that the clapper may stop on a number to designate a winner.

(*Indiana Gaming Commission; 68 IAC 10-5-1; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3301; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-5-2 Submission of rules of game

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) In accordance with 68 IAC 1-1, the riverboat licensee or riverboat license applicant shall submit rules of the game covering Big Six if the riverboat licensee will offer the game of Big Six.

(b) The rules of the game for Big Six shall include, but are not limited to, the following:

(1) The number of Big Six tables on the riverboat.

(2) The location of the Big Six wheels and tables on the riverboat.

(3) The minimum and maximum wagers that will be allowed. Whether the minimum and maximum wager will be based on:

(A) the total bet placed by the patron on one (1) or more numbers; or

(B) the minimum or maximum wager will be determined by the amount placed on an individual number by a patron.

(4) The procedures that will be utilized by the riverboat licensee to raise the house limit for individual patrons.

(5) The manner in which the winning number will be determined if the clapper stops on a peg rather than a number.

(6) The manner in which any irregularity not covered by this rule will be handled.

(7) Any additional rules of the game the riverboat licensee wants to impose that are in compliance with this article.

(8) Any other information deemed necessary by the executive director, the commission, or the riverboat licensee to ensure compliance with the Act and this title and to ensure the integrity of the game.

(*Indiana Gaming Commission; 68 IAC 10-5-2; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3301; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-5-3 Game play

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) The dealer shall spin the wheel. The number that the clapper stops on is the winning number.

(b) The riverboat licensee may allow a patron to bet on as many numbers as the patron desires. (*Indiana Gaming Commission; 68 IAC 10-5-3; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3301; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-5-4 Wagering rules; payment of wagers

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) All bets must be placed by patrons before the wheel is spun. The patron may make a wager not less than the minimum nor more than the maximum amount set for the Big Six table by the riverboat licensee.

(b) Winning wagers must be paid at the following odds:

(1) A bet on the one dollar (\$1) insignia must be paid at the odds of at least one (1) to one (1).

(2) A bet on the two dollar (\$2) insignia must be paid at the odds of at least two (2) to one (1).

(3) A bet on the five dollar (\$5) insignia must be paid at the odds of at least five (5) to one (1).

(4) A bet on the ten dollar (\$10) insignia must be paid at the odds of at least ten (10) to one (1).

(5) A bet on the twenty dollar (\$20) insignia must be paid at the odds of at least twenty (20) to one (1).

(6) A bet on the joker insignia must be paid at the odds of at least forty (40) to one (1).

(7) A bet on the logo or design insignia approved by the executive director in accordance with 68 IAC 14-9-2 shall be paid at the odds of at least forty (40) to one (1).

(c) Promotional wagers must be paid at odds approved by the executive director. (*Indiana Gaming Commission; 68 IAC 10-5-4; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3302; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 6. Caribbean Stud Poker

68 IAC 10-6-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) Caribbean Stud Poker shall be conducted in conformance with this rule.

(c) Riverboat licensees may only offer the game of Caribbean Stud Poker on a table and layout that is in compliance with 68 IAC 14-10.

(d) The following definitions apply throughout this rule:

(1) "Bonus payment hand" means a hand in which the patron has one (1) of the following combinations:

(A) Royal flush.

(B) Straight flush.

(C) Four (4) of a kind.

(D) Full house.

(E) Flush.

(F) Straight.

(G) Three (3) of a kind.

(H) Two (2) pairs.

(2) "Deal" means the distribution of the playing cards among the players and the dealer.

(3) "Dealer" means the occupational licensee of the riverboat licensee who is responsible for dealing the cards at the Caribbean Stud Poker table.

(4) "Minimum play level hand" means a hand in which the dealer has an ace king combination or better in the dealer's hand.

(5) "Minimum win level" means a hand in which the patron has a combination that beats the dealer's minimum play level hand, but does not qualify as a bonus payment hand.

(6) "Progressive feature" means a Caribbean Stud Poker game that is attached to a progressive controller that increases the payment uniformly as the progressive feature of the Caribbean Stud Poker games attached to the link is played by the patron.

(*Indiana Gaming Commission; 68 IAC 10-6-1; filed Apr 17, 1997, 10:00 a.m.: 20 IR 2282; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-6-2 Submission of rules of game

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) In accordance with 68 IAC 10-1, the riverboat license or riverboat license applicant shall submit rules of the game covering Caribbean Stud Poker if the riverboat licensee will offer the game of Caribbean Stud Poker.

(b) The rules of the game for Caribbean Stud Poker shall include, but are not limited to, the following:

(1) Whether the riverboat licensee will utilize an automatic shuffling machine that has been approved as associated equipment in accordance with 68 IAC 2-7.

(2) The number of Caribbean Stud Poker tables that will be on the riverboat.

(3) The Caribbean Stud Poker tables that will utilize a progressive feature in accordance with section 5 of this rule.

(4) The location of the Caribbean Stud Poker tables on the riverboat.

(5) The minimum and maximum wages that will be allowed.

(6) The procedures that will be utilized by the riverboat licensee to raise the house limit for individual patrons.

(7) The odds that the riverboat licensee will pay on the patron's ante if the dealer does not have a minimum play level hand.

(8) The odds that the riverboat licensee will pay on the patron's ante if the patron's hand is better than the dealer's minimum play level hand.

(9) The odds that the riverboat licensee will pay on the patron's bet if the patron's hand is better than the dealer's minimum play level hand.

(10) The odds that the riverboat licensee will offer on bonus payment hands if those odds differ from the odds set forth in section 4 of this rule.

(11) The manner in which the riverboat licensee will handle any irregularities.

(12) Any additional rules of the game the riverboat licensee wants to impose that are in compliance with this article.

(13) Any other information deemed necessary by the executive director, the commission, or the riverboat licensee to ensure compliance with this Act and this title and to ensure the integrity of the game.

(Indiana Gaming Commission; 68 IAC 10-6-2; filed Apr 17, 1997, 10:00 a.m.: 20 IR 2282; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-6-3 Cards

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) Playing cards used in Caribbean Stud Poker games shall comply with 68 IAC 14-3.

(b) Each hand of Caribbean Stud Poker shall be conducted utilizing one (1) deck of playing cards.

(c) When a new deck of playing cards is put into play, the cards should be sorted and inspected in accordance with 68 IAC 14-3. After the cards are sorted and inspected, the dealer must spread the cards out, face upward on the table, for visual inspection by the players.

(d) After the cards are visually inspected by the players, the cards must be placed face down on the table and randomly intermixed so that the cards are no longer in sequential order.

(e) After the cards have been randomly intermixed in accordance with subsection (d), the cards must be:

(1) turned face downward on the table;

(2) shuffled so that they are randomly intermixed; and

(3) stacked.

(f) Cards may be shuffled utilizing an automatic card shuffler that has been approved in accordance with 68 IAC 2-7.

(g) The deck of cards must be reshuffled after each hand of Caribbean Stud Poker is completed. *(Indiana Gaming Commission; 68 IAC 10-6-3; filed Apr 17, 1997, 10:00 a.m.: 20 IR 2283; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 10-6-4 Play of the game; wagers

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) Play of the game shall proceed in accordance with the following:

- (1) United States patent number 4,836,553, except that the bonus payment hand for a royal flush is not required to be paid at odds of at least two hundred fifty (250) to one (1).
- (2) United States patent number 4,948,134, except that the bonus payment hand for a royal flush is not required to be paid at odds of at least two hundred fifty (250) to one (1).
- (3) United States patent number 5,022,653, except that the bonus payment hand for a royal flush is not required to be paid at odds of at least two hundred fifty (250) to one (1).

(b) Unless otherwise submitted and approved in accordance with section 2 of this rule, bonus payment hands shall be paid at the following odds:

- (1) A royal flush must be paid at odds of at least one hundred (100) to one (1).
- (2) A straight flush must be paid at odds of at least fifty (50) to one (1).
- (3) Four (4) of a kind must be paid at odds of at least twenty (20) to one (1).
- (4) A full house must be paid at odds of at least seven (7) to one (1).
- (5) A flush must be paid at odds of at least five (5) to one (1).
- (6) A straight must be paid at odds of at least four (4) to one (1).
- (7) Three (3) of a kind must be paid at odds of at least three (3) to one (1).
- (8) Two (2) pairs must be paid at odds of at least two (2) to one (1).

(Indiana Gaming Commission; 68 IAC 10-6-4; filed Apr 17, 1997, 10:00 a.m.: 20 IR 2283; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-6-5 Progressive feature

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. (a) Riverboat licensees may add a progressive feature to Caribbean Stud Poker tables that are located within one (1) riverboat.

- (b) The riverboat licensee must maintain a record of the amount shown on a progressive jackpot meter.
- (c) Supporting documents must be maintained to explain any reduction in the payoff amount from a previous entry.
- (d) The records and documents must be retained in Indiana for a period of five (5) years unless otherwise provided by the executive director in writing.

(e) The Caribbean Stud Poker tables utilizing the progressive feature must be linked to a progressive meter or meters showing the current payoff to all players who are playing a Caribbean Stud Poker game that may potentially win the progressive amount.

(f) During the normal operating mode of the progressive controller, the controller must do the following:

- (1) Continuously monitor each Caribbean Stud Poker table attached to the controller to detect any tokens or credits wagered.
- (2) Multiply the accepted tokens by the programmed rate of progression and denomination in order to determine the correct amounts to apply to the progressive jackpot.

(g) The progressive display must be constantly updated as play on the link is continued. It will be acceptable to have a slight delay in the update as long as when a jackpot is triggered the jackpot amount is shown immediately.

(h) At least one (1) progressive display to which a group of Caribbean Stud Poker tables is linked must continuously display the amount of the progressive jackpot that a patron may win.

(i) When more than one (1) Caribbean Stud Poker table is linked to a progressive controller, the progressive controller shall automatically reset to the reset amount and continue normal play. The reset amount must be displayed on the progressive display. During this time, it is sufficient for the progressive display to alternately display the jackpot amount that was won and the reset amount.

(j) If the progressive feature is utilized, it shall proceed in accordance with the following:

- (1) United States patent number 4,861,041.
- (2) United States patent number 5,078,405.
- (3) United States patent number 5,112,060.
- (4) United States patent number 5,364,104.
- (5) United States patent number 5,377,994.

(Indiana Gaming Commission; 68 IAC 10-6-5; filed Apr 17, 1997, 10:00 a.m.: 20 IR 2283; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

Rule 7. Let It Ride

68 IAC 10-7-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

- Sec. 1. (a) This rule applies to all riverboat licensees.
(b) Let It Ride shall be conducted in conformance with this rule.
(c) Riverboat licensees may only offer the game of Let It Ride on a table and layout that is in compliance with 68 IAC 14-11.
(d) The following definitions apply throughout this rule:
(1) "Deal" means the distribution of the playing cards among the players and the dealer.
(2) "Dealer" means the occupational licensee of the riverboat licensee who is responsible for dealing the cards at the Let It Ride table.

(Indiana Gaming Commission; 68 IAC 10-7-1; filed Mar 21, 1997, 10:00 a.m.: 20 IR 2095; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-7-2 Submission of rules of game

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

- Sec. 2. (a) In accordance with 68 IAC 10-1, the riverboat licensee or riverboat license applicant shall submit rules of the game covering Let It Ride if the riverboat licensee will offer the game of Let It Ride.
(b) The rules of the game for Let It Ride shall include, but are not limited to, the following:
(1) Whether the riverboat licensee will utilize an automatic shuffling machine that has been approved as associated equipment in accordance with 68 IAC 2-7.
(2) The number of Let It Ride tables that will be on the riverboat.
(3) The location of the Let It Ride tables on the riverboat.
(4) The Let It Ride tables that will offer the bonus feature.
(5) The minimum and maximum wagers that will be allowed.
(6) The odds that the riverboat licensee will pay on the patron's winning hand if those odds differ from the odds set forth in section 4 of this rule.
(7) The procedures that will be utilized by the riverboat licensee to raise the house limit for individual patrons.
(8) The manner in which the riverboat licensee will handle any irregularities.
(9) Any additional rules of the game the riverboat licensee wants to impose that are in compliance with this article.
(10) Any other information deemed necessary by the executive director, the commission, or the riverboat licensee to ensure compliance with this Act and this title and to ensure the integrity of the game.

(Indiana Gaming Commission; 68 IAC 10-7-2; filed Mar 21, 1997, 10:00 a.m.: 20 IR 2095; errata filed May 7, 1997, 4:00 p.m.: 20 IR 2413; filed Jun 1, 1998, 3:07 p.m.: 21 IR 3708; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-7-3 Cards

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

- Sec. 3. (a) Playing cards used in Let It Ride shall comply with 68 IAC 14-3.
(b) Each hand of Let It Ride shall be conducted utilizing one (1) deck of playing cards.
(c) When a new deck of playing cards is put into play, the cards should be sorted and inspected in accordance with 68 IAC 14-3. After the cards are sorted and inspected, the dealer must spread the cards out, face upward on the table, for visual inspection

by the players.

(d) After the cards are visually inspected by the players, the cards must be placed face down on the table and randomly intermixed so that the cards are no longer in sequential order.

(e) After the cards have been randomly intermixed in accordance with subsection (d), the cards must be:

- (1) turned face downward on the table;
- (2) shuffled so that they are randomly intermixed; and
- (3) stacked.

(f) Cards may be shuffled utilizing an automatic card shuffler that has been approved in accordance with 68 IAC 2-7. The automatic card shuffler must dispense the cards in stacks of three (3) playing cards.

(g) The deck of cards must be reshuffled after each hand of Let It Ride is completed.

(h) If an automatic card shuffler is utilized, the riverboat licensee may use a second deck of playing cards that meets the requirements of subsection (a) and that has a different color of back than the first deck of playing cards. If two (2) decks of cards are utilized with an automatic card shuffler, one (1) deck of cards should be placed in play while the second deck of cards is placed in the automatic card shuffler. The two (2) decks of cards with different color backs must be alternated in and out of play with each deck being used for alternate rounds of play. The cards from only one (1) deck of cards shall be placed in the discard rack at a given time. (*Indiana Gaming Commission; 68 IAC 10-7-3; filed Mar 21, 1997, 10:00 a.m.: 20 IR 2096; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-7-4 Play of the game; wagers

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) Play of the game shall proceed in accordance with United States patent number 5,288,081.

(b) Unless otherwise submitted and approved in accordance with section 2 of this rule, winning hands shall be paid at the following odds:

- (1) A royal flush must be paid at odds of at least one thousand (1,000) to one (1).
- (2) A straight flush must be paid at odds of at least two hundred (200) to one (1).
- (3) Four (4) of a kind must be paid at odds of at least fifty (50) to one (1).
- (4) A full house must be paid at odds of at least eleven (11) to one (1).
- (5) A flush must be paid at odds of at least eight (8) to one (1).
- (6) A straight must be paid at odds of at least five (5) to one (1).
- (7) Three (3) of a kind must be paid at odds of at least three (3) to one (1).
- (8) Two (2) pairs must be paid at odds of at least two (2) to one (1).
- (9) A pair of tens (10s) or better must be paid at odds of at least one (1) to one (1).

(*Indiana Gaming Commission; 68 IAC 10-7-4; filed Mar 21, 1997, 10:00 a.m.: 20 IR 2096; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-7-5 Bonus feature

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. (a) Riverboat licensees may add a bonus feature to Let It Ride tables.

(b) Let It Ride tables with the bonus feature must be connected to a table controller located on the table in close proximity to the dealer. The table controller is connected to the central computer system and must register the placement of the one dollar (\$1) bonus bet that may be placed by a player.

(c) A player may place a bonus bet by depositing a one dollar (\$1) token in the appropriate depository. A sensor light must illuminate that indicates that the player has placed a bonus bet. After the dealer has announced, "No more bets", the dealer shall press the lock out switch that bars the placement of additional bonus bets.

(d) The bonus hand will not be paid unless the player obtains a hand containing at least two (2) pairs.

(e) Winning bonus hands shall be paid the following amounts:

- (1) A royal flush bonus hand shall receive ten thousand dollars (\$10,000).
- (2) A straight flush bonus hand shall receive two thousand dollars (\$2,000).
- (3) Four (4) of a kind shall receive one hundred dollars (\$100).
- (4) A full house shall receive seventy-five dollars (\$75).
- (5) A flush shall receive fifty dollars (\$50).
- (6) A straight shall receive twenty-five dollars (\$25).
- (7) Three (3) of a kind shall receive eight dollars (\$8).
- (8) Two (2) pairs shall receive four dollars (\$4).

(Indiana Gaming Commission; 68 IAC 10-7-5; filed Jun 1, 1998, 3:07 p.m.: 21 IR 3709; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

Rule 8. Caribbean Draw Poker

68 IAC 10-8-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) Caribbean Draw Poker shall be conducted only in conformance with this rule.

(c) Riverboat licensees may only offer the game of Caribbean Draw Poker on a table and layout that is in compliance with 68 IAC 14-12.

(d) The following definitions apply throughout this rule:

(1) "Bonus payment hand" means a hand in which the patron has one (1) or more of the following combinations:

- (A) Royal flush.
- (B) Straight flush.
- (C) Four (4) of a kind.
- (D) Full house.
- (E) Flush.
- (F) Straight.
- (G) Three (3) of a kind.

(2) "Deal" means the distribution of the playing cards among the players and the dealer.

(3) "Dealer" means the occupational licensee of the riverboat licensee who is responsible for dealing cards at the Caribbean Draw Poker table.

(4) "Minimum play level hand" means a hand in which the dealer has a pair of eights or better in the dealer's hand.

(5) "Progressive feature" means a Caribbean Draw Poker game that is attached to a progressive controller that increases the payment uniformly as the progressive feature of the Caribbean Draw Poker games attached to the link is played by the patron.

(Indiana Gaming Commission; 68 IAC 10-8-1; filed Dec 29, 1998, 10:41 a.m.: 22 IR 1421; filed Jan 27, 2000, 7:52 a.m.: 23 IR 1362; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-8-2 Submission of rules of game

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. (a) In accordance with 68 IAC 10-1, the riverboat licensee or riverboat license applicant shall submit rules of the game covering Caribbean Draw Poker if the riverboat licensee will offer the game of Caribbean Draw Poker.

(b) The rules of the game for Caribbean Draw Poker shall include, but are not limited to, the following:

(1) Whether the riverboat licensee will utilize an automatic shuffling machine that has been approved as associated equipment in accordance with 68 IAC 2-7.

(2) The number of Caribbean Draw Poker tables that will be on the riverboat.

(3) The Caribbean Draw Poker tables that will utilize a progressive feature in accordance with section 5 of this rule.

- (4) The location of the Caribbean Draw Poker tables on the riverboat.
- (5) The minimum and maximum wagers that will be allowed.
- (6) The procedures that will be utilized by the riverboat licensee to raise the house limit for individual patrons.
- (7) The odds that the riverboat licensee will pay on the patron's ante if the dealer does not have a minimum play level hand.
- (8) The odds that the riverboat licensee will pay on the patron's ante if the patron's hand is better than the dealer's minimum play level hand.
- (9) The odds that the riverboat licensee will pay on the patron's bet if the patron's hand is better than the dealer's minimum play level hand.
- (10) The odds that the riverboat licensee will offer on bonus payment hands if those odds differ from the odds set forth in section 4 of this rule.
- (11) The manner in which the riverboat licensee will handle any irregularities.
- (12) Any additional rules of the game the riverboat licensee or riverboat license applicant wants to impose that are in compliance with this article.
- (13) Any other information deemed necessary by the executive director, the commission, or the riverboat licensee to ensure:
 - (A) compliance with this Act and this title; and
 - (B) to ensure the integrity of the game.

(Indiana Gaming Commission; 68 IAC 10-8-2; filed Dec 29, 1998, 10:41 a.m.: 22 IR 1421; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-8-3 Cards

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) Playing cards used in Caribbean Draw Poker games shall comply with 68 IAC 14-3.

(b) Each hand of Caribbean Draw Poker shall be conducted utilizing one (1) deck of playing cards.

(c) When a new deck of playing cards is put into play, the cards should be sorted and inspected in accordance with 68 IAC 14-3. After the cards are sorted and inspected, the dealer must spread the cards out, face upward on the table, for visual inspection by the players.

(d) After the cards are visually inspected by the players, the cards must be placed face down on the table and randomly intermixed so that the cards are no longer in sequential order.

(e) After the cards have been randomly intermixed in accordance with subsection (d), the cards must be:

- (1) turned face downward on the table;
- (2) shuffled so that they are randomly intermixed; and
- (3) stacked.

(f) Cards may be shuffled utilizing an automatic card shuffler that has been approved in accordance with 68 IAC 2-7.

(g) The deck of cards must be reshuffled after each hand of Caribbean Draw Poker is completed. *(Indiana Gaming Commission; 68 IAC 10-8-3; filed Dec 29, 1998, 10:41 a.m.: 22 IR 1422; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 10-8-4 Play of the game; wagers

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) Play of the game shall proceed in accordance with United States patent number 5,725,216.

(b) Unless otherwise submitted and approved in accordance with section 2 of this rule, bonus payment hands shall be paid at the following odds:

- (1) A royal flush must be paid at odds of at least one hundred (100) to one (1).
- (2) A straight flush must be paid at odds of at least forty (40) to one (1).
- (3) A four (4) of a kind must be paid at odds of at least seven (7) to one (1).
- (4) A full house must be paid at odds of at least three (3) to one (1).
- (5) A flush must be paid at odds of at least two (2) to one (1).

(6) A straight must be paid at odds of at least two (2) to one (1).

(7) A three (3) of a kind must be paid at odds of at least two (2) to one (1).

(Indiana Gaming Commission; 68 IAC 10-8-4; filed Dec 29, 1998, 10:41 a.m.: 22 IR 1422; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-8-5 Progressive feature

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. (a) Riverboat licensees may add a progressive feature to the Caribbean Draw Poker tables that are located within one (1) riverboat.

(b) The riverboat licensee must maintain a record of the amount shown on a progressive jackpot meter.

(c) Supporting documents must be maintained to explain any reduction in the payoff amount from a previous entry.

(d) The records and documents must be retained in Indiana for a period of five (5) years unless otherwise provided by the executive director in writing after the executive director has determined that the requested retention period will ensure compliance with the Act, this title, and the integrity of the game.

(e) The Caribbean Draw Poker tables utilizing the progressive feature must be linked to a progressive meter or meters showing the current payoff to all players who are playing the Caribbean Draw Poker game that may potentially win the progressive amount.

(f) During the normal operating mode of the progressive controller, the controller must do the following:

(1) Continuously monitor each Caribbean Draw Poker table attached to the controller to detect any tokens or credits wagered.

(2) Multiply the accepted tokens by the programmed rate of progression and denomination in order to determine the correct amounts to apply to the progressive jackpot.

(g) The progressive display must be constantly updated as play on the link is continued. It will be acceptable to have a slight delay in the update so long as when a jackpot is triggered the jackpot amount is shown immediately.

(h) At least one (1) progressive display to which a group of Caribbean Draw Poker tables is linked must continuously display the amount of the progressive jackpot that a patron may win.

(i) When more than one (1) Caribbean Draw Poker table is linked to a progressive controller, the progressive controller shall automatically reset to the reset amount and continue normal play when a jackpot is hit. The reset amount must be displayed on the progressive display. During this time, it is sufficient for the progressive display to alternately display the jackpot amount that was won and the reset amount.

(j) If the progressive feature is utilized, it shall proceed in accordance with United States patent number 5,725,216. *(Indiana Gaming Commission; 68 IAC 10-8-5; filed Dec 29, 1998, 10:41 a.m.: 22 IR 1422; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

Rule 9. Pai Gow Poker

68 IAC 10-9-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) Pai gow poker shall be conducted in conformance with this rule.

(c) Riverboat licensees may only offer the game of pai gow poker on a table and layout that is in compliance with 68 IAC 14.

(d) The following definitions apply throughout this rule:

(1) "Banker" means the player who elects to have other players and dealer play against the player and accepts the responsibility of paying all wagers.

(2) "Co-bank" means the period of the game where a player accepts half of the bank and the riverboat licensee accepts the balance.

(3) "Copy hand" means two (2) hands of identical rank.

(4) "Dealer" means the occupational licensee of the riverboat licensee who is responsible for dealing the cards at the pai gow

poker table.

- (5) "Five (5) aces" means a hand of four (4) aces and one (1) joker.
 - (6) "Flush" means a hand of five (5) cards all of the same suit with no regard to rank.
 - (7) "Four (4) of a kind" means a hand of four (4) cards of the same rank.
 - (8) "Full house" means a hand of three (3) cards of the same rank and two (2) cards of a different rank.
 - (9) "High hand" means the hand made up of a five (5) card combination. This hand must be higher in rank than the low hand and will be placed in the appropriate area of the layout.
 - (10) "House way" means the preset rules that govern the way the dealer must set both the dealer's high and low hands.
 - (11) "Low hand" or "second hand" means the hand made up of the remaining two (2) card combination of the player's or dealer's hand.
 - (12) "Pai gow poker shaker" means a covered container that will hold three (3) dice and that is designed to prevent the dice from being seen while the dealer is shaking it.
 - (13) "Pair" means a hand of two (2) cards that are the same regardless of suit.
 - (14) "Random number generator" means a computerized random number generator that selects and displays a number from one (1) through seven (7) and displays the number of the player designated as the starting player.
 - (15) "Rank" means the relative position of cards set forth in the pai gow poker rules.
 - (16) "Royal flush" means a hand consisting of the following cards of the same suit:
 - (A) One (1) ace.
 - (B) One (1) king.
 - (C) One (1) queen.
 - (D) One (1) jack.
 - (E) One (1) ten (10) of the same suit.
 - (17) "Setting a hand" means the process of arranging cards into two (2) hands for the dealer and the six (6) players, one (1) five (5) card and one (1) two (2) card hand.
 - (18) "Straight" means a hand of five (5) cards of consecutive rank with no regard to suit.
 - (19) "Straight flush" means a hand of five (5) consecutive cards of the same suit.
 - (20) "Three (3) of a kind" means a hand of three (3) cards of the same rank and two (2) others.
 - (21) "Two (2) pairs" means a hand of two (2) cards of the same rank and two (2) other cards of the same rank but different from the first two (2).
 - (22) "Vigorish" or "commission" means a charge that constitutes a percentage collected by the riverboat licensee on all winning player hands.
- (e) The player banker option and the co-bank option cannot be offered by a riverboat licensee.
- (f) The vigorish charged by a riverboat licensee shall not exceed five percent (5%). The amount of vigorish charged by a riverboat licensee shall be posted at the live gaming device. (*Indiana Gaming Commission; 68 IAC 10-9-1; filed Oct 18, 1999, 1:27 p.m.: 23 IR 538; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-9-2 Submission of rules of game

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) In accordance with 68 IAC 10-1, the riverboat licensee or riverboat license applicant shall submit rules of the game concerning pai gow poker if the riverboat licensee will offer the game of pai gow poker.

(b) The rules of the game for pai gow poker shall include, but are not limited to, the following:

(1) The options that will be offered by the riverboat licensee, including, but not limited to, the following options:

(A) Surrender.

(B) Any variation of pai gow poker not covered by this rule that the riverboat licensee would like to offer, and the rules by which the variation of pai gow poker will be conducted.

(2) The number of pai gow poker tables that will be on the riverboat.

(3) The minimum and maximum wagers that will be allowed.

(4) The procedures that will be utilized by the riverboat licensee to raise the house limit for individual patrons.

- (5) The location of the pai gow poker tables on the riverboat.
- (6) The manner in which the riverboat licensee will handle any irregularities not covered in section 17 of this rule.
- (7) Whether the riverboat licensee will use an automatic card shuffler that has been approved in accordance with 68 IAC 2-7.
- (8) Any additional rules of the game the riverboat licensee wants to impose that are in compliance with this article.
- (9) Any other information deemed necessary by the executive director, the commission, or the riverboat licensee to ensure compliance with the Act and this title and to ensure the integrity of the game.
- (10) Whether the riverboat licensee will use a random number generator or a pai gow shaker to determine the starting position.

(Indiana Gaming Commission; 68 IAC 10-9-2; filed Oct 18, 1999, 1:27 p.m.: 23 IR 539; errata filed Dec 10, 1999, 3:29 p.m.: 23 IR 812; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-9-3 Cards

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

- Sec. 3. (a) Playing cards used in pai gow poker shall comply with 68 IAC 14-3.
- (b) The riverboat licensee shall use one (1) deck of fifty-two (52) playing cards plus one (1) joker.
 - (c) A joker may only be used:
 - (1) as an ace;
 - (2) to complete a straight; or
 - (3) to complete any flush.

(Indiana Gaming Commission; 68 IAC 10-9-3; filed Oct 18, 1999, 1:27 p.m.: 23 IR 539; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-9-4 Wagers; wagering rules; outcomes

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) Before the first card is dealt in a round of play, a player may make a wager in an amount not less than the minimum nor more than the maximum amount set for the table by the riverboat licensee. All wagers must be made by placing gaming chips or tokens on the appropriate areas of the pai gow poker layout. The player wins an amount as determined in accordance with section 6 of this rule if the sum of both of the player's hands are higher in rank than both of the dealer's hands.

- (b) The following outcomes are possible in the game of pai gow poker:
 - (1) The player wins an amount determined in accordance with section 6 of this rule if both of the player's hands are higher in rank than both of the dealer's hands.
 - (2) If all cards of one (1) hand are identical in value to all cards of another hand, the hand shall be considered a copy hand. The player loses a copy hand.
 - (3) The wager is void and returned to the player when the player wins one (1) hand and the dealer wins the other hand.
 - (4) A player's wager is lost if both of the dealer's hands are higher than those of the player.
- (c) Except for the surrender option, no player may handle, remove, or alter any wagers that have been made after the first card of the hand has been dealt by the dealer until the hand has been completed.
- (d) No dealer or other occupational licensee may permit a player to violate this rule.

(e) A riverboat licensee may permit a player to place a wager in more than one (1) box or may limit multiple play during hours when there are insufficient seats in an establishment to accommodate patron demand. *(Indiana Gaming Commission; 68 IAC 10-9-4; filed Oct 18, 1999, 1:27 p.m.: 23 IR 540; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 10-9-5 Winning hands

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. The following are winning hands in the game of pai gow poker from highest to lowest:

- (1) Five (5) aces.
- (2) Royal flush.
- (3) Straight flush.
- (4) Four (4) of a kind.
- (5) Full house.
- (6) Flush.
- (7) Straight.
- (8) Three (3) of a kind.
- (9) Two (2) pairs.
- (10) One (1) pair.
- (11) Highest card.

(Indiana Gaming Commission; 68 IAC 10-9-5; filed Oct 18, 1999, 1:27 p.m.: 23 IR 540; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-9-6 Payment of wagers

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 6. (a) Winning wagers must be paid at odds of at least one (1) to one (1) except that a commission or vigorish may be taken from the amount won. The vigorish shall be collected at the time that the winning wager is paid.

(b) Promotional wagers must be paid at odds approved by the executive director. *(Indiana Gaming Commission; 68 IAC 10-9-6; filed Oct 18, 1999, 1:27 p.m.: 23 IR 540; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 10-9-7 Presentation of cards; shuffle and reshuffle

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 7. (a) When a new deck is put into play, the cards should be sorted and inspected in accordance with 68 IAC 14-3. After the cards are sorted and inspected, the dealer must spread the cards out, face up on the table, for visual inspection by the players.

(b) After the cards have been visually inspected by the players, the cards must be placed face down on the table and randomly intermixed so that the cards are no longer in sequential order.

(c) After the cards have been randomly intermixed in accordance with subsection (b), the cards must be:

- (1) turned face down on the table;
- (2) shuffled so that they are randomly intermixed; and
- (3) stacked and placed in seven (7) piles for each of the six (6) gaming positions and the dealer.

(d) The riverboat licensee may allow an occupational licensee to complete the steps set forth in subsections (a) and (b), in the presence of a supervisor, before the initial embarkation period of the gaming day.

(e) The dealer must reshuffle the cards after each round so that they are randomly intermixed. *(Indiana Gaming Commission; 68 IAC 10-9-7; filed Oct 18, 1999, 1:27 p.m.: 23 IR 540; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 10-9-8 Cut

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 8. After the cards have been shuffled, the dealer must offer the deck of cards with the back facing away from the dealer to the cutting player to be cut in a manner that does not expose the value of any cards to a player or a spectator. The cards must be cut at least ten (10) cards from either end of the deck. *(Indiana Gaming Commission; 68 IAC 10-9-8; filed Oct 18, 1999, 1:27 p.m.: 23 IR 541; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 10-9-9 Procedures for dealing cards

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 9. (a) Cards used in a pai gow poker game must be dealt from the hand or from a dealing shoe specifically designed for the purpose and located on the table to the left of the dealer.

(b) The dealer may not turn the deck upside down and must keep the deck flat. The cards must be held and dealt in a manner that does not expose the value of any card to a player or a spectator. (*Indiana Gaming Commission; 68 IAC 10-9-9; filed Oct 18, 1999, 1:27 p.m.: 23 IR 541; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-9-10 Player touching cards

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 10. (a) The riverboat licensee may allow the players to touch or hold, or both, the cards dealt to a player.

(b) Only the dealer and the player to whom the cards have been dealt may touch that player's cards.

(c) A player may not touch the cards with the player's person or any instrument in any manner that would alter, mark, bend, or otherwise allow any card to be distinguished from any other card. (*Indiana Gaming Commission; 68 IAC 10-9-10; filed Oct 18, 1999, 1:27 p.m.: 23 IR 541; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-9-11 Selection of the starting position

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 11. (a) Before the cards are distributed, the dealer shall select the player who will be in the starting position for the distribution of the cards in the next hand of pai gow poker. The dealer may select the starting position for the play of the game by using one (1) of the following methods:

(1) A random number generator.

(2) A pai gow shaker.

(b) If a random number generator is used, it shall conspicuously display the number corresponding to the seat of the player who will be in the starting position.

(c) If a pai gow poker shaker is used to select the starting position, the following procedure shall be utilized:

(1) The dealer shall shake the pai gow poker shaker at least three (3) times to ensure a random mix of the dice.

(2) The dealer shall remove the lid, expose the dice, and announce the total of the dice. The number of the seat corresponding to the dice total shall become the starting position.

(d) The starting position shall be marked by placing the second cut card in the area of the betting circle near the player seated in the starting position.

(e) Any of the six (6) positions designated for players or the position designated for the dealer may be selected as the starting position. (*Indiana Gaming Commission; 68 IAC 10-9-11; filed Oct 18, 1999, 1:27 p.m.: 23 IR 541; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-9-12 The deal and play

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 12. (a) After the cards have been shuffled, the dealer shall distribute the cards into seven (7) stacks, each containing seven (7) cards. The cards shall be distributed in a clockwise direction. The cards shall be distributed into seven (7) stacks regardless of the number of players present at the pai gow poker table.

(b) Once the cards have been distributed into seven (7) stacks, the dealer shall determine that four (4) cards remain in the deck without exposing any of the cards. The four (4) remaining cards shall be placed in the discard holder. The dealer shall announce

“No more bets” and then determine the starting position.

(c) The dealer shall, beginning with the starting position, place one (1) stack of seven (7) cards at each wagering position and the dealer’s position in a clockwise direction. The cards shall remain face down.

(d) If no wager has been placed in the area of the layout designated for a player, the dealer shall collect the stack of seven (7) cards and place them in the discard holder without exposing any of the cards.

(e) The dealer shall then instruct the players to “Set your hands”. (*Indiana Gaming Commission; 68 IAC 10-9-12; filed Oct 18, 1999, 1:27 p.m.: 23 IR 541; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-9-13 Setting the hands

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 13. (a) Once the cards are dealt by the dealer, the player shall set the player’s own hand, without the assistance of the dealer, by arranging the seven (7) cards into two (2) hands:

- (1) a high hand; and
- (2) a second highest hand.

When setting the two (2) hands, the five (5) card high hand must be higher in rank than the two (2) card low hand. Both of the player’s hands must beat the dealer’s hands in order to win. If a player fails to set the player’s hand with the highest ranking cards in the five (5) card hand, it is considered a foul hand and it will lose immediately.

(b) Each player at the table is responsible for setting the player’s own hands. Each player shall keep the seven (7) cards in full view of the dealer at all times.

(c) Once the player has set the player’s own hands, the high and low hand shall be placed face down in the appropriate area of the layout. Once a player places the cards in these areas, the player may not touch them again.

(d) Once all players have set the players’ hands and placed them in the layout, the dealer shall turn over the seven (7) cards dealt to the dealer’s position, setting the dealer’s hands, and arrange them into two (2) hands, a high hand and a low hand in the house way. The dealer shall then place the dealer’s hands on the appropriate area of the layout.

(e) The dealer shall expose both hands of each player, starting from the far right and proceeding counterclockwise around the table.

(f) The dealer shall compare the high hand and low hand of each player to the high hand and low hand of the dealer and then announce if a player’s wager wins, loses, or is considered a copy hand. The dealer shall immediately collect all losing wagers along with the cards of that player, indicate which wagers are tie or push wagers and collect the cards. The player loses a copy hand.

(g) All winning hands shall remain face up on the layout. Winning wagers are paid after all hands have been exposed.

(h) All cards collected by the dealer when completing the round of play shall immediately be placed in the discard holder in the manner collected to allow reconstruction of the hand if a dispute or question arises. (*Indiana Gaming Commission; 68 IAC 10-9-13; filed Oct 18, 1999, 1:27 p.m.: 23 IR 542; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-9-14 Pai gow poker rankings

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 14. (a) The manner in which winning hands are determined in order of highest to lowest shall be the following:

- (1) Five (5) aces.
- (2) Royal flush.
- (3) Straight flush.
- (4) Four (4) of a kind.
- (5) Full house.
- (6) Flush.
- (7) Straight.
- (8) Three (3) of a kind.
- (9) Two (2) pairs.

(10) One (1) pair.

(b) When comparing two (2) hands of identical poker rankings under this section, or which contain none of the poker hands authorized herein, the hand that contains the highest ranking card shall be the hand of highest rank. (*Indiana Gaming Commission; 68 IAC 10-9-14; filed Oct 18, 1999, 1:27 p.m.: 23 IR 542; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-9-15 Surrender option

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 15. (a) A player may announce that the player wishes to surrender the player's hand before the dealer exposes the player's hand. The player exercising the surrender option forfeits his or her wager.

(b) If the player exercises the option, the dealer shall take the following steps:

(1) Collect the player's wager.

(2) Collect the player's cards.

(3) Verify there are seven (7) cards in the player's stack of cards without exposing the value of any of the cards.

(4) Discard the player's cards without exposing the value of any of the cards.

(*Indiana Gaming Commission; 68 IAC 10-9-15; filed Oct 18, 1999, 1:27 p.m.: 23 IR 542; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-9-16 Prohibited acts

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 16. (a) A player may touch cards only as provided in this rule.

(b) A spectator may never touch the cards.

(c) No patron or occupational licensee shall touch the cards with a patron's or a dealer's person or any instrument in any manner that would alter, mark, bend, or otherwise allow any card to be distinguished from any other card.

(d) No dealer or other riverboat licensee employee may permit a player or spectator to engage in any activity that violates this rule. (*Indiana Gaming Commission; 68 IAC 10-9-16; filed Oct 18, 1999, 1:27 p.m.: 23 IR 542; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-9-17 Irregularities

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 17. (a) A card found turned face up in the deck shall not be used in the game and shall be placed in the discard holder. If more than one (1) card is found turned face up in the deck, all hands shall be void and the cards reshuffled.

(b) If the dealer uncovers the pai gow poker shaker and all three (3) dice do not land flat on the bottom of the shaker or the die or dice fall out of the shaker, the dealer shall call a "No roll" and reshake the dice.

(c) If the dealer:

(1) incorrectly totals the dice and deals the first card or delivers the first pile of cards to the wrong position, all hands shall be called dead;

(2) draws a card out of order; or

(3) deals a card to the dealer's hand that is exposed;

all hands shall be void and the dealer shall reshuffle the cards and all wagers are void and returned to the players.

(d) A card drawn out of order without its face being exposed shall be used as though it was the next card from the deck.

(e) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void and the cards reshuffled.

(f) If the dealer does not set the dealer's hand in the manner authorized by this rule, the hands must be reset in accordance with this rule and the round of play completed.

(g) If a card is exposed while the dealer is dealing the seven (7) stacks, the cards shall be reshuffled and all wagers shall be

void and returned to the players.

(h) If cards are being dealt and the dealer fails to deal the seven (7) stacks in accordance with this rule, all wagers shall be void and the cards shall be reshuffled.

(i) If there are not four (4) cards remaining, the dealer shall call the supervisor to determine if there was a misdeal; if so, all hands are void and wagers returned to the players. (*Indiana Gaming Commission; 68 IAC 10-9-17; filed Oct 18, 1999, 1:27 p.m.: 23 IR 543; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 10. Baccarat and Mini Baccarat

68 IAC 10-10-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) Baccarat and mini baccarat shall be conducted in conformance with this rule.

(c) Riverboat licensees may only offer the game of baccarat and mini baccarat on a table and layout that is in compliance with 68 IAC 14.

(d) The following definitions for baccarat and mini baccarat apply throughout this rule:

(1) "Banker's hand" means the hand played in that portion designated on the layout for the banker's hand.

(2) "Burn" means the act of placing a card face downward in the discard rack if it is not to be utilized in play in accordance with this rule.

(3) "Curator" means the player who is dealing the cards from the shoe in the game of baccarat.

(4) "Deal" means the distribution of playing cards to the player's hand and the banker's hand.

(5) "Dealer" means the occupational licensee of the riverboat who is responsible for dealing the cards at the baccarat or mini baccarat table. In the game of baccarat, there may be one (1) to four (4) dealers. The following definitions apply:

(A) "Baseman" means the occupational licensee who pays winning wagers and takes losing wagers from the table.

(B) "Relief dealer" means the occupational licensee who relieves one (1) of the basemen during the game.

(C) "Stickperson" means the occupational licensee who calls the cards.

(6) "Natural" means that the point count for the player's hand or the banker's hand in the first round of cards is eight (8) or nine (9).

(7) "Player's hand" means the hand played in that portion designated on the layout for the player's hand.

(8) "Point count" means a single digit number from zero (0) to nine (9), inclusive, that is determined by totaling the face value of the cards in the hand. If the total face value of the cards in the hand is a two (2) digit number, the left digit of the number shall be deemed to have no value and the right digit shall constitute the point count of the hand.

(9) "Vigorish" or "commission" means a charge which constitutes a percentage collected by the riverboat licensee on an amount won on a wager made by a player on the banker's hand.

(e) The vigorish charged by a riverboat licensee shall not exceed five percent (5%). The amount of vigorish charged by the riverboat licensee shall be posted at the live gaming device. (*Indiana Gaming Commission; 68 IAC 10-10-1; filed Oct 18, 1999, 1:27 p.m.: 23 IR 543; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-10-2 Submission of rules of the game of baccarat

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) In accordance with 68 IAC 10-1, the riverboat licensee or riverboat license applicant shall submit rules of the game covering baccarat if the riverboat licensee will offer the game of baccarat.

(b) The rules of the game of baccarat shall include, but are not limited to, the following:

(1) Whether the riverboat licensee will utilize an automatic shuffling machine that has been approved as associated equipment in accordance with 68 IAC 2-7.

(2) The circumstances under which an occupational licensee will perform the duties as dealer in the game of baccarat.

- (3) The number of occupational licensees utilized as dealers in the game and the duties those individuals will fulfill.
- (4) Whether the riverboat licensee will utilize a shoe or the cards will be dealt by hand, or both.
- (5) Whether and when the riverboat licensee will allow patrons to touch the cards.
- (6) The number and location of baccarat tables that will be on the riverboat.
- (7) The minimum and maximum wagers that will be allowed.
- (8) The procedures that will be utilized by the riverboat licensee to raise the house limit for individual patrons.
- (9) The manner in which the riverboat licensee will handle any irregularities not covered in section 17 of this rule.
- (10) The amount of vigorish to be charged by the riverboat licensee when a bet placed on the banker's hand is won by a player.
- (11) Any additional rules of the game the riverboat licensee wants to impose that are in compliance with this article.
- (12) Any other information deemed necessary by:
 - (A) the executive director;
 - (B) the commission;
 - (C) the riverboat licensee; or
 - (D) the riverboat license applicant;

to ensure compliance with the Act and this title and to ensure the integrity of the game.

(Indiana Gaming Commission; 68 IAC 10-10-2; filed Oct 18, 1999, 1:27 p.m.: 23 IR 544; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-10-3 Submission of rules of game of mini baccarat

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) In accordance with 68 IAC 10-1, the riverboat licensee or riverboat license applicant shall submit rules of the game covering mini baccarat if the riverboat licensee will offer the game.

(b) The rules of the game of mini baccarat include, but are not limited to, the following:

- (1) Whether the riverboat licensee will utilize an automatic shuffling machine that has been approved as associated equipment in accordance with 68 IAC 2-7.
- (2) Whether the riverboat licensee will utilize a shoe or the cards will be dealt by hand, or both.
- (3) The location and number of mini baccarat tables that will be on the riverboat.
- (4) The minimum and maximum wagers that will be allowed.
- (5) The procedures that will be utilized by the riverboat licensee to raise the house limit for individual patrons.
- (6) The amount of vigorish to be charged by the riverboat licensee when a bet placed on the banker's hand is won by a player.
- (7) The manner in which the riverboat licensee will handle any irregularities not covered in section 17 of this rule.
- (8) Any additional rules of the game the riverboat licensee wants to impose that are in compliance with this article.
- (9) Any other information deemed necessary by:
 - (A) the executive director;
 - (B) the commission;
 - (C) the riverboat licensee; or
 - (D) the riverboat license applicant;

to ensure compliance with the Act and this title and to ensure the integrity of the game.

(Indiana Gaming Commission; 68 IAC 10-10-3; filed Oct 18, 1999, 1:27 p.m.: 23 IR 544; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-10-4 Cards; number of decks; value; point count of hand

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) Playing cards used in baccarat and mini baccarat shall comply with 68 IAC 14-3.

(b) The riverboat licensee may use six (6) to eight (8) decks of cards and two (2) additional cutting cards of a different color.

(c) Except as otherwise provided in this rule, the value of the cards contained in a deck of cards is as follows:

- (1) Any card from two (2) to nine (9) has its face value.
- (2) Any ten (10), jack, queen, or king has a value of zero (0).
- (3) Any ace has a value of one (1).

(Indiana Gaming Commission; 68 IAC 10-10-4; filed Oct 18, 1999, 1:27 p.m.: 23 IR 544; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-10-5 Wagers; wagering rules; outcomes

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 5. (a) Before the first card is dealt for a round of play, a player may make a wager in an amount not less than the minimum nor more than the maximum amount set for the table by the riverboat licensee. All wagers must be made by placing gaming chips on the appropriate areas of the baccarat or the mini baccarat layout.

(b) The following wagers may be made by a player at the game of baccarat or mini baccarat:

- (1) A wager that the player's hand will win.
- (2) A wager that the banker's hand will win.
- (3) A wager that the point total of the player's hand and the banker's will result in a tie.

(c) The player wins an amount as determined in accordance with section 6 of this rule if any of the following events occur:

- (1) The player places a wager on the player's hand and the player's hand wins.
- (2) The player places a wager on the banker's hand and the banker's hand wins.
- (3) The player places a wager on a tie bet and the point total of the player's hand and the point total of the banker's hand results in a tie.

(d) No wager shall be made, increased, or withdrawn after the first card has been dealt in baccarat or mini baccarat.

(e) No dealer or other occupational licensee may permit a player to violate this rule. *(Indiana Gaming Commission; 68 IAC 10-10-5; filed Oct 18, 1999, 1:27 p.m.: 23 IR 545; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 10-10-6 Payment of wagers

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 6. Winning wagers shall be paid in the following manner:

- (1) A winning wager on the player's hand shall be paid off by a riverboat licensee at odds of at least one (1) to one (1).
- (2) A winning wager on the banker's hand shall be paid off at odds of at least one (1) to one (1) except that a commission or vigorish may be taken from the amount won. The commission or vigorish will be paid by the player at the end of the shoe.
- (3) A winning tie bet shall be paid at odds at least eight (8) to one (1).

(Indiana Gaming Commission; 68 IAC 10-10-6; filed Oct 18, 1999, 1:27 p.m.: 23 IR 545; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-10-7 Presentation of cards; shuffle and reshuffle

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 7. (a) When a new deck is put into play, the cards should be sorted and inspected in accordance with 68 IAC 14-3. Once the cards are sorted and inspected, the dealer must spread the cards out, face upward on the table, for visual inspection by the players.

(b) After the cards are visually inspected by the players, the cards must be placed face down on the table and randomly intermixed so that the cards are no longer in sequential order.

(c) After the cards have been randomly intermixed in accordance with subsection (b), the cards must be:

- (1) turned face downward on the table;
- (2) shuffled so that they are randomly intermixed; and

(3) stacked.

(d) Cards may be shuffled utilizing an automatic card shuffler that has been approved in accordance with 68 IAC 2-7.

(e) The riverboat licensee may allow an occupational licensee to complete the steps set forth in subsections (a) and (b), in the presence of a supervisor, before the initial embarkation period of the gaming day.

(f) After each stack of cards is dealt, the dealer must reshuffle the cards so that they are randomly intermixed. A reshuffle of cards must take place after the cutting card is reached. (*Indiana Gaming Commission; 68 IAC 10-10-7; filed Oct 18, 1999, 1:27 p.m.: 23 IR 545; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-10-8 Cut

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 8. (a) After the cards have been shuffled, the dealer must offer the stack of cards with the backs facing away from the dealer to the cutting player to be cut in a manner that does not expose the value of any cards to a player or a spectator.

(b) The dealer must make a reasonable attempt to alternate the cut among all players.

(c) Once the cutting card has been inserted into the stack, the dealer shall take all the cards in front of the cutting card and place them to the back of the stack. The dealer shall then insert one (1) cutting card in a position at least fourteen (14) cards from the back of the stack, to create a cushion, and the second cutting card at the back of the stack for game protection. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(d) After the cut card appears in a round of play, one (1) more hand may be dealt and the cards must then be shuffled. (*Indiana Gaming Commission; 68 IAC 10-10-8; filed Oct 18, 1999, 1:27 p.m.: 23 IR 545; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-10-9 Procedures for dealing cards

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 9. (a) This section applies to the games of baccarat and mini baccarat.

(b) All cards used at a baccarat or mini baccarat table must be dealt from the hand or a dealing shoe specifically designed for that purpose and located on the table to the left of the dealer.

(c) If the dealer deals the cards by hand, the dealer may not turn the deck upside down and must keep the deck flat. The cards must be held and dealt in a manner that does not expose the value of any card to a player or a spectator.

(d) If a shoe is used, it must be attached to the table by means of a chain or another mechanism to prevent it from being removed from the table. (*Indiana Gaming Commission; 68 IAC 10-10-9; filed Oct 18, 1999, 1:27 p.m.: 23 IR 546; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-10-10 Player touching cards

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 10. (a) The riverboat licensee may allow the players to touch or hold, or both, the cards dealt to the player in the game of baccarat.

(b) Only the player to whom the cards have been dealt may touch that player's cards.

(c) The player may not touch the cards with the player's person or any instrument in any manner that would alter, mark, bend, or otherwise allow any card to be distinguished from any other card. (*Indiana Gaming Commission; 68 IAC 10-10-10; filed Oct 18, 1999, 1:27 p.m.: 23 IR 546; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-10-11 Burn procedure

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 11. Before play begins, the dealer shall remove the first card from the shoe and place it, and an additional amount of cards equal to the value of the first card drawn, in the discard holder after all drawn cards have been shown to the players. (*Indiana Gaming Commission; 68 IAC 10-10-11; filed Oct 18, 1999, 1:27 p.m.: 23 IR 546; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-10-12 The deal and play of baccarat

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 12. (a) This section applies to the deal and play in the game of baccarat.

(b) At the beginning of play, the dealer calling the game shall offer the shoe to the player in seat number one (1) at the table. If that player rejects the shoe or if there is no one in seat number one (1), the dealer shall offer the shoe to each player in turn, counterclockwise, around the table until one (1) of the players accepts the shoe and becomes the curator.

(c) The curator shall be responsible for dealing the cards in accordance with this rule and the instructions of the dealer.

(d) A player who is not seated shall not be allowed to be the curator and shall not be allowed to make a wager.

(e) A player may place a bet in the designated area on the layout on either hand before the cards are dealt.

(f) At the beginning of each round of play, the dealer calling the game shall announce "No more bets" after which the dealer shall instruct the curator to commence dealing the cards by announcing "Cards".

(g) In the game of baccarat, the first four (4) cards are dealt alternately from the shoe. The first and third cards shall become the first and second cards of the player's hand. The second and fourth cards shall become the first and second cards of the banker's hand. These cards are dealt by the curator and placed in a space on the layout in front of the players in the following manner:

(1) First card is dealt face down by the curator to the stickperson calling the game.

(2) Second card is dealt by the curator and placed face down under the corner of the shoe.

(3) Third card is dealt face down by the curator to the stickperson calling the game.

(4) Fourth card is dealt by the curator and placed face down under the corner of the shoe.

(5) The stickperson delivers the player's cards to the patron placing the highest wager; the patron turns the cards face up and returns them to the stickperson to place them in the section of the layout designated for the player's hand. In the event that two (2) patrons place the same wagers that are determined to be the highest, the patron located at the right of the stickperson and who was one (1) of the patrons placing the highest wager, turns the player's cards face up and returns them to the stickperson to place them in the section of the layout designated for the player's hand.

(6) The stickperson instructs the curator to turn the banker's cards face up and the stickperson then places them in the section of the layout designated for the banker's hand.

(h) The deal and play of baccarat shall continue in accordance with section 14 of this rule. (*Indiana Gaming Commission; 68 IAC 10-10-12; filed Oct 18, 1999, 1:27 p.m.: 23 IR 546; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-10-13 The deal and play of mini baccarat

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 13. (a) The following section applies to the deal and play in the game of mini baccarat.

(b) At the beginning of each round of play, the dealer calling the game shall announce "No more bets" and then the dealer shall deal the initial four (4) cards from the shoe face up by the dealer and in the manner set forth in subsection (c).

(c) The first four (4) cards are dealt alternately from the shoe forming the player's and the banker's hands respectively; these cards are dealt by the dealer and placed in a space on the layout in front of the players in the following manner:

(1) First and third cards are dealt face up for the player's hand.

(2) Second and fourth cards are dealt face up for the banker's hand.

(3) After the cards are dealt to each hand, the dealer calling the game shall place them face upward in front of the dealer.

(d) The deal and play of mini baccarat shall continue in accordance with section 14 of this rule. (*Indiana Gaming Commission; 68 IAC 10-10-13; filed Oct 18, 1999, 1:27 p.m.: 23 IR 547; errata filed Dec 10, 1999, 3:29 p.m.: 23 IR 812; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-10-14 Dealing additional cards in the game of baccarat and mini baccarat

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 14. (a) After the initial four (4) cards are dealt, the dealer calling the game shall announce the point count of the player's hand. After the dealer takes and places the cards of the banker's hand in front of the banker, the dealer shall announce the point count of the banker's hand.

(b) After the point counts of each hand are announced, the dealer shall instruct the curator in baccarat or shall determine in mini baccarat, whether to deal a third card to each hand based on the following:

(1) If the player's hand has a point count total of zero (0) to five (5), the player's hand must draw an additional card.

(2) If the player's hand has a point count total of six (6) or seven (7), the player's hand stands.

(3) If either the player's or the banker's hand is an eight (8) or nine (9), this is a natural and no more cards shall be dealt to either hand.

(4) If the point count total of the banker's hand is zero (0) to seven (7) inclusive, the player's hand shall draw unless the player has a natural eight (8) or a natural nine (9).

(5) If the point count total of the banker's hand is three (3), the banker's hand will draw a third card if the player's third card is zero (0) to nine (9), excluding eight (8).

(6) If the point count total of the banker's hand is four (4), the banker's hand will draw a third card if the player's third card is a two (2) to seven (7) inclusive.

(7) If the point count total of the banker's hand is five (5), the banker's hand will draw a third card if the player's third card is four (4) to seven (7) inclusive.

(8) If the point count total of the banker's hand is six (6), the banker's hand will draw a third card if the player's third card is a six (6) or seven (7).

(9) If the point count total of the banker's hand is zero (0) through five (5) inclusive, the banker's hand must draw an additional card if the two (2) card total of the player's hand is a six (6) or a seven (7).

(10) If the point count total of the player's hand is a six (6) and the bank has a six (6), a tie is the result.

(11) If the point count of the banker's two (2) card hand is zero (0) through two (2) inclusive, the banker's hand will always draw a third card unless the player's two (2) card point count is a natural eight (8) or a natural nine (9).

(c) Any third card required to be dealt at the direction of the dealer shall first be dealt face upwards to the player's hand and then to the banker's hand if necessary by the curator or the dealer.

(d) In no event shall more than one (1) additional card be dealt to either hand in the game of baccarat or mini baccarat.

(e) Whenever the cutting card appears during play, the cutting card will be removed and placed to the side and the hand will be completed. Upon completion of the hand, the dealer shall announce "Last hand". At the completion of one (1) more hand, no more cards will be dealt until the reshuffle occurs. (*Indiana Gaming Commission; 68 IAC 10-10-14; filed Oct 18, 1999, 1:27 p.m.: 23 IR 547; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-10-15 Prohibited acts

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 15. (a) A player may touch cards only as provided in this rule.

(b) A spectator may never touch the cards.

(c) The player may not touch the cards with the player's person or any instrument in any manner that would alter, mark, bend, or otherwise allow any card to be distinguished from any other card.

(d) No dealer or other riverboat licensee employee may permit a player or spectator to engage in any activity that violates this rule.

(e) A player may only touch the cards dealt to that player. (*Indiana Gaming Commission; 68 IAC 10-10-15; filed Oct 18, 1999, 1:27 p.m.: 23 IR 547; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-10-16 Continuation of curator as such; selection of new curator

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 16. (a) This section applies to the game of baccarat.

(b) It shall be the option of the curator, after any round of play, either to pass the shoe or to remain as curator, with the following exceptions:

- (1) The curator shall pass the shoe whenever the banker's hand loses.
- (2) The dealer or supervisor assigned to the table may order the curator to pass the shoe if the curator:
 - (A) unreasonably delays the game;
 - (B) repeatedly makes invalid deals;
 - (C) is unable to place a wager; or
 - (D) violates the Act or this title.

(c) Whenever a voluntary or compulsory relinquishment of the shoe occurs, the dealer shall offer the shoe to the player immediately to the right of the previous curator and, if the player does not accept it or there is no player in that position, the dealer shall offer the shoe to each of the other players in turn, counterclockwise, around the table. The first to accept the shoe when offered shall become the new curator. (*Indiana Gaming Commission; 68 IAC 10-10-16; filed Oct 18, 1999, 1:27 p.m.: 23 IR 548; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-10-17 Irregularities

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 17. (a) A third card dealt to the player's hand when no third card is authorized shall become the third card of the banker's hand if the banker's hand is to receive a third card in accordance with section 15 of this rule. If the banker's hand is required to stay, the card dealt in error shall become the first card of the next hand unless it has been exposed. If the card has been exposed, that card and an additional number of cards equal to the face value of this card shall be drawn face upward from the shoe and placed in the discard rack in accordance with section 12 of this rule.

(b) Any card found face upward in the shoe shall be burned.

(c) If there are insufficient cards remaining in the shoe to complete a round of play, that round shall be void and a new round shall commence after the entire set of cards is reshuffled and placed in the shoe and any wagers placed are returned to the players. (*Indiana Gaming Commission; 68 IAC 10-10-17; filed Oct 18, 1999, 1:27 p.m.: 23 IR 548; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 11. Three Card Poker

68 IAC 10-11-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) Three Card Poker shall be conducted in conformance with this rule.

(c) Riverboat licensees may only offer the game of Three Card Poker on a table and layout that are in compliance with 68 IAC 14.

(d) The following definitions apply throughout this rule:

(1) "Ante bonus" means a bonus payment that is given to a patron who has bet against the dealer and who has a hand consisting of one (1) of the following:

- (A) A straight flush.
- (B) Three (3) of a kind.
- (C) A straight.

(2) "Pairplus" means a wager that allows the patron to bet on the value of the patron's hand so that the patron's hand is not compared to the dealer's hand.

(3) "Stub" means the stack of cards remaining in the deck of cards after the dealer has dealt three (3) cards to each participating patron and the dealer.

(Indiana Gaming Commission; 68 IAC 10-11-1; filed Jun 19, 2000, 10:34 a.m.: 23 IR 2694; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-11-2 Submission of rules of game

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) In accordance with 68 IAC 10-1, the riverboat licensee or riverboat license applicant shall submit rules of the game covering Three Card Poker if the riverboat licensee will offer the game of Three Card Poker.

(b) The rules of the game for Three Card Poker shall include, but are not limited to, the following:

(1) Whether the riverboat licensee will utilize an automatic shuffling machine that has been approved as associated equipment in accordance with 68 IAC 2-7.

(2) Whether the riverboat licensee will utilize a shoe or the cards will be dealt by hand, or both.

(3) Whether the riverboat licensee will allow patrons to touch the cards.

(4) The number of Three Card Poker tables that will be on the riverboat.

(5) The location of Three Card Poker tables on the riverboat.

(6) The minimum and maximum wagers that will be allowed.

(7) The procedures that will be utilized by the riverboat licensee to raise the house limit for individual patrons.

(8) The manner in which token bets may be placed by the patron on behalf of the dealer.

(9) The manner in which the riverboat licensee will handle any irregularities not covered in section 8 of this rule.

(10) Any additional rules of the game the riverboat licensee wants to impose that are in compliance with this article.

(11) Any other information deemed necessary by the executive director, the commission, or the riverboat licensee to ensure compliance with the Act and this title and to ensure the integrity of the game.

(Indiana Gaming Commission; 68 IAC 10-11-2; filed Jun 19, 2000, 10:34 a.m.: 23 IR 2694; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-11-3 Cards; deal of the cards

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) Playing cards used in Three Card Poker games shall comply with 68 IAC 14-3.

(b) Three Card Poker is played with one (1) deck of playing cards.

(c) When a new deck of cards is put into play, the cards should be sorted and shuffled in accordance with 68 IAC 14-3. After the cards are sorted and inspected, the dealer must spread the cards out, face upward on the table, for visual inspection by the players.

(d) After the cards are visually inspected by the players, the cards must be placed face down on the table and randomly intermixed so that the cards are no longer in sequential order.

(e) After the cards have been randomly intermixed in accordance with subsection (d), the cards must be:

(1) turned face downward on the table;

(2) shuffled so that they are randomly intermixed; and

(3) stacked.

(f) Cards may be shuffled utilizing an automatic card shuffler that has been approved in accordance with 68 IAC 2-7.

(g) The deck of cards must be reshuffled after each hand of Three Card Poker is completed. *(Indiana Gaming Commission; 68 IAC 10-11-3; filed Jun 19, 2000, 10:34 a.m.: 23 IR 2694; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 10-11-4 Procedure for cutting and dealing cards

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) After the cards have been shuffled, the dealer shall cut the cards utilizing a cut card.

(b) The dealer shall deal the cards, face down, in rotation, to each patron who has placed a wager and then to the dealer. The patron to the dealer's left receives the first card, and the dealer receives the last card. (*Indiana Gaming Commission; 68 IAC 10-11-4; filed Jun 19, 2000, 10:34 a.m.: 23 IR 2695; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-11-5 Wagers; wagering rules; outcomes

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. (a) A patron may make any of the following wagers:

- (1) An ante wager to play against the dealer.
- (2) A pairplus wager to play the value of the hand.
- (3) Both the ante and the pairplus wager.

(b) Prior to the first card being dealt, a patron may make a wager in an amount not less than the minimum nor more than the maximum amount set for the table by the riverboat licensee as an ante wager or a pairplus wager, or both.

(c) The original bets placed as ante wager or pairplus wager may not be increased, decreased, or withdrawn after the first card has been dealt.

(d) The following are winning hands in the game of Three Card Poker from highest to lowest:

- (1) Straight flush.
- (2) Three (3) of a kind.
- (3) Straight.
- (4) Flush.
- (5) Pair.
- (6) High card.

(e) An ace is always high, but will be the low card in a three (3), two (2), and ace combination for a straight or a straight flush.

(f) Wagers are collected or paid in the following order:

- (1) Play.
- (2) Ante bonus.
- (3) Ante.
- (4) Pairplus.

(g) A patron may play only one (1) hand. A patron may not bet on or against another patron. (*Indiana Gaming Commission; 68 IAC 10-11-5; filed Jun 19, 2000, 10:34 a.m.: 23 IR 2695; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-11-6 Patron betting against the dealer

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 6. (a) The patron must place an ante wager to play against the dealer. After the player receives his or her cards, the player may do one (1) of the following:

- (1) Fold and forfeit the ante bet.
- (2) Place a play bet that is in the same amount as the ante bet. The patron must place a play bet in order to continue participation in the hand.

If a patron decides to fold his or her hand, the patron should place the cards beside the patron's bet or bets. The dealer should verify folded hands consist of three (3) cards before placing the cards in the discard rack. If the patron decides to continue to play against the dealer, the patron should place his or her cards under the patron's play bet.

(b) The dealer's hand must have a value of queen high or better to qualify to play against the patrons' hands.

(c) The following are the possible outcomes and payouts when the patron bets against the dealer:

(1) If the dealer's hand does not qualify, all ante bets are won by the patrons and are paid at odds of at least one (1) to one

(1). All play bets are considered a push and are returned to the patron.

(2) If the dealer's hand qualifies and beats the patron's hand, the patron loses the ante bet and the play bet.

(3) If the dealer's hand qualifies and does not beat the patron's hand, the patron wins. The ante bet and the play bet are both paid at odds of at least one (1) to one (1).

(4) If the dealer's hand qualifies and ties with the patron's hand, both the ante bet and the play bet are considered a push and the wagers are returned to the patron.

(d) The patron's hand is not compared to the dealer's hand for purposes of the ante bonus. A patron with a qualifying ante bonus hand will be paid the bonus even if the dealer's hand beats the patron's hand. The ante bonus shall be paid at the following odds:

(1) A straight flush must be paid at odds of at least five (5) to one (1).

(2) Three (3) of a kind must be paid at odds of at least four (4) to one (1).

(3) A straight must be paid at odds of at least one (1) to one (1).

(Indiana Gaming Commission; 68 IAC 10-11-6; filed Jun 19, 2000, 10:34 a.m.: 23 IR 2695; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-11-7 Pairplus bet

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 7. (a) The patron must place a pairplus wager to bet the value of the player's hand.

(b) If the patron does not receive a pair, the patron's wager is lost.

(c) If the patron receives a pair or better, the patron wins the pairplus wager regardless of the dealer's hand. Unless otherwise submitted and approved in accordance with section 2 of this rule, pairplus hands shall be paid at the following odds:

(1) A straight flush must be paid at odds of at least forty (40) to one (1).

(2) Three (3) of a kind must be paid at odds of at least thirty (30) to one (1).

(3) A straight must be paid at odds of at least six (6) to one (1).

(4) A flush must be paid at odds of at least four (4) to one (1).

(5) A pair must be paid at odds of at least one (1) to one (1).

(Indiana Gaming Commission; 68 IAC 10-11-7; filed Jun 19, 2000, 10:34 a.m.: 23 IR 2696; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 10-11-8 Irregularities

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 8. (a) An incorrect number of cards dealt to a patron or the dealer constitutes a misdeal.

(b) An exposed card shall be placed in the discard rack, and the deal of the game shall continue. *(Indiana Gaming Commission; 68 IAC 10-11-8; filed Jun 19, 2000, 10:34 a.m.: 23 IR 2696; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

Rule 12. Super Sevens

68 IAC 10-12-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) Super Sevens shall be conducted in conformance with this rule.

(c) Riverboat licensees may only offer the game of Super Sevens on a table and layout that are in compliance with 68 IAC

14. (*Indiana Gaming Commission; 68 IAC 10-12-1; filed Jun 19, 2000, 10:34 a.m.: 23 IR 2696; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-12-2 Submission of rules of game

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. (a) In accordance with 68 IAC 10-1, the riverboat licensee or riverboat license applicant shall submit rules of the game covering Super Sevens if the riverboat licensee will offer the game of Super Sevens.

(b) The rules of the game for Super Sevens shall include, but are not limited to, the following:

- (1) The number of Super Sevens tables that will be on the riverboat.
- (2) The location of the Super Sevens tables on the riverboat.
- (3) The manner in which the patron can place token bets on behalf of the dealers. The odds at which token bets will be paid.
- (4) Any additional rules of the game the riverboat licensee wants to impose that are in compliance with this rule.
- (5) Any other information deemed necessary by the executive director, the commission, or the riverboat licensee to ensure compliance with the Act and this title and to ensure the integrity of the game.

(*Indiana Gaming Commission; 68 IAC 10-12-2; filed Jun 19, 2000, 10:34 a.m.: 23 IR 2696; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 10-12-3 Wagers; wagering rules; payouts

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 3. (a) A patron must make a wager on the game of blackjack before the patron may place a wager on Super Sevens. The outcome of the Super Sevens bet has no effect on the outcome of the blackjack game.

(b) All Super Sevens bets must be placed in the designated spot on the layout prior to the first card being dealt. A maximum wager of one dollar (\$1) may be charged for a Super Sevens bet.

(c) Except for the additional wager on Super Sevens, the play of the game shall proceed in accordance with 68 IAC 10-2.

(d) If a patron splits the first two (2) sevens he or she receives for purposes of the underlying blackjack game, only the next card dealt to the patron will be considered for purposes of Super Sevens.

(e) The patron must receive a seven (7) as their first card to win any Super Sevens payout.

(f) Unless approved by the executive director pursuant to 68 IAC 10-1-8, the following constitute the winning hands and payouts for Super Sevens:

- (1) A patron who receives a seven (7) as the first card and who receives no other seven (7) must be paid three dollars (\$3).
- (2) A patron who receives two (2) sevens of different suits on the first two (2) cards dealt must be paid fifty dollars (\$50).
- (3) A patron who receives two (2) sevens of the same suit on the first two (2) cards dealt must be paid one hundred dollars (\$100).
- (4) A patron who receives three (3) sevens of different suits on the first three (3) cards dealt must be paid five hundred dollars (\$500).
- (5) A patron who receives three (3) sevens of the same suit on the first three (3) cards dealt must be paid five thousand dollars (\$5,000).

(*Indiana Gaming Commission; 68 IAC 10-12-3; filed Jun 19, 2000, 10:34 a.m.: 23 IR 2696; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

ARTICLE 11. INTERNAL CONTROL PROCEDURES

Rule 1. General Provisions

68 IAC 11-1-1 Applicability; general provisions

Authority: IC 4-33-4-1; IC 4-33-4-2
Affected: IC 4-33

Sec. 1. (a) This rule applies to riverboat licensees and riverboat license applicants.

(b) The following definitions apply throughout this article:

(1) "Internal auditor" means an individual employed by the riverboat licensee or an affiliate to perform audits of gaming and nongaming operations to ensure proper accounting department controls and adherence to the Act and this title.

(2) "Security department" means the individuals employed by the riverboat licensee to provide security services for the riverboat gambling operation.

(Indiana Gaming Commission; 68 IAC 11-1-1; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2262; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 11-1-2 Purpose

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. The procedures of the internal control system are designed to ensure the following:

(1) Assets of the riverboat licensee are safeguarded.

(2) The financial records of the riverboat licensee are accurate and reliable.

(3) The transactions of the riverboat licensee are performed only in accordance with the specific or general authorization of this article.

(4) The transactions are recorded adequately to permit the proper recording of the adjusted gross receipts, admission fees, and all applicable taxes.

(5) Accountability for assets is maintained in accordance with generally accepted accounting principles.

(6) Authorized personnel have access to assets.

(7) Recorded accountability for assets is compared with actual assets at reasonable intervals, and appropriate action is taken with respect to any discrepancies.

(8) The functions, duties, and responsibilities are appropriately segregated and performed in accordance with sound practices by competent, qualified personnel, and no employee of the riverboat licensee is in a position to perpetuate and conceal errors or irregularities in the normal course of the employee's duties.

(9) Gaming is conducted with integrity and in accordance with the Act and this title.

(Indiana Gaming Commission; 68 IAC 11-1-2; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2262; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 11-1-3 Submission and approval of internal control procedures

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33; IC 5-14

Sec. 3. (a) At various times throughout this article, the riverboat licensee or riverboat license applicant will be required to submit internal control procedures to the commission. The internal control procedures must be submitted in accordance with this rule.

(b) All internal control procedures must comply with the provisions of the Act and this title.

(c) Submissions of internal control procedures shall be handled in the following manner:

(1) When called for in this article, the riverboat licensee or riverboat license applicant shall submit internal control procedures to the executive director at least sixty (60) days prior to the commencement of gaming operations.

(2) The executive director shall, in writing, approve the internal control procedures, in total or in part.

(3) Any portion of the internal control procedures not approved by the executive director shall be revised and resubmitted by the riverboat licensee or riverboat license applicant within the time period established by the executive director. This method shall be followed until all portions of the internal control procedures have been approved, or approval cannot be obtained.

(4) No internal control procedures may be utilized by a riverboat license applicant or a riverboat licensee unless the internal control procedure has been approved, in writing, by the executive director.

(d) If the executive director determines, at any time, that approved internal control procedures are not adequate to ensure compliance with the Act and this title, the executive director may direct the riverboat licensee, in writing, to amend its internal control procedures in accordance with section 4 of this rule.

(e) The riverboat licensee or riverboat license applicant shall stamp or otherwise mark each page of the internal control procedures submitted to the commission with the word "CONFIDENTIAL" if the material submitted is not subject to disclosure under IC 4-33 or IC 5-14, or both. (*Indiana Gaming Commission; 68 IAC 11-1-3; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2262; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 11-1-4 Amendments to internal control procedures

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. Amendments to the internal control procedures shall be handled in the following manner:

(1) Unless otherwise provided by the executive director, amendments to any portion of the internal control procedures must be submitted to the executive director at least thirty (30) days prior to the utilization of the amended internal control procedure.

(2) The executive director shall, in writing, approve the amendment to the internal control procedure, in total or in part.

(3) No amendment to internal control procedures may be utilized by a riverboat licensee unless the amendment to the internal control procedure has been approved, in writing, by the executive director.

(4) The riverboat licensee shall advise the executive director of any change in a scheduled event at least twenty-four (24) hours before the change is instituted. If the time of the scheduled event has to be altered due to an emergency, the riverboat licensee shall notify the commission agent, in writing, immediately, and provide a written explanation for the change to the executive director within twenty-four (24) hours.

(*Indiana Gaming Commission; 68 IAC 11-1-4; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2262; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 11-1-5 Emergency procedures

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. (a) In the event of an emergency, the riverboat licensee may amend an internal control procedure. The commission agent must concur that an emergency exists prior to the amendment of an internal control procedure.

(b) The riverboat licensee shall report any emergency amendment to the internal control procedures to the commission agent immediately.

(c) The riverboat licensee shall submit a description of the amendment to the internal control procedures and the circumstances necessitating the amendment to the executive director within ten (10) business days of the amendment.

(d) As soon as the circumstances necessitating the emergency amendment to the internal control procedures abate, the riverboat licensee shall resume compliance with the approved internal control procedures. (*Indiana Gaming Commission; 68 IAC 11-1-5; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2263; errata filed Jun 20, 1996, 1:15 p.m.: 19 IR 3114; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 11-1-6 Compliance; failure to comply with internal control procedures

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 6. (a) Riverboat licensees and riverboat license applicants must conduct all operations in accordance with internal control procedures that have been approved, in writing, by the executive director.

(b) Failure to comply with this article may result in the initiation of a disciplinary action under 68 IAC 13. (*Indiana Gaming Commission; 68 IAC 11-1-6; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2263; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 11-1-7 Waiver of requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 7. The executive director or the commission may waive, alter, or restrict any internal control procedure or requirement set forth in this article if the executive director determines that the procedure or requirement is impractical or burdensome and the waiver, alteration, or restriction:

- (1) is in the best interest of the public and the gaming industry;
- (2) is not outside the technical requirements necessary to serve the purpose, requirement, or procedure; and
- (3) will not reduce the integrity of the internal control procedures established by this article.

(Indiana Gaming Commission; 68 IAC 11-1-7; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2263; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 11-1-8 Reports by the executive director

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 8. The executive director shall report any action he or she has taken or contemplates taking under this article with respect to internal control procedures to the commission at the next meeting held under 68 IAC 2-1-5. The commission may direct the executive director to take additional or different action. *(Indiana Gaming Commission; 68 IAC 11-1-8; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2263; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

Rule 2. Drop Bucket Process and Hard Count

68 IAC 11-2-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 1. (a) The following definitions apply throughout this rule:

- (1) "Drop bucket collection team" means a team of the riverboat licensee's employees that consists of at least two (2) employees of the hard count department or the equivalent and one (1) security officer. The drop bucket collection team shall be responsible for collecting the drop buckets containing tokens from each electronic gaming device at least one (1) time every four (4) days and placing empty buckets into each electronic gaming device.
- (2) "Drop bucket storage cart" means the cart, equipped with a secured compartment, utilized to transport drop buckets during the drop bucket collection process.
- (3) "Electronic gaming device daily report" means a report completed by the hard count team that documents the value of the tokens collected from the drop bucket of the electronic gaming devices. The report shall be completed on a form prescribed by the commission.
- (4) "Foreign token report" means a report completed by the hard count team that documents the value and denomination of tokens collected from the drop bucket of electronic gaming devices and other areas of the riverboat that were not issued by the riverboat licensee. The report shall be completed on a form prescribed by the commission.
- (5) "Hard count team" means a team of the riverboat licensee's employees that consists of at least three (3) employees, including one (1) hard count supervisor or his or her designee. The hard count team shall be responsible for counting and wrapping the tokens collected from the electronic gaming devices.
- (6) "Identification tag" means a tag that has the identification number of an electronic gaming device recorded on it.
- (7) "Wrap" means the procedure of wrapping, bagging, or placing tokens, by denominational amounts, in trays or compartments.

(b) Members of the drop bucket collection team and the hard count team shall wear clothing that is not conducive to the concealment of tokens or currency. Members of the drop bucket collection team and hard count team shall not wear hats.

(c) The drop bucket collection team and the hard count team shall be rotated on a routine basis to ensure the integrity of the

drop bucket collection process and the hard count. Members of the drop bucket collection team can be members of the hard count team.

(d) Each drop bucket shall be identifiable to the electronic gaming device from which it was removed by means of an identification tag placed in the bottom of an empty drop bucket and on top of the contents of a drop bucket removed from an electronic gaming device during the drop bucket collection process. An alternative means of identifying the drop buckets may be utilized if approved in accordance with this article.

(e) On days that drop bucket collection and hard count are completed, the riverboat licensee shall designate two (2) separate members of the hard count team to do the following:

- (1) Operate the weigh scale device.
- (2) Operate the wrapping device.

(f) On the last day of each month, the riverboat licensee shall drop each electronic gaming device and complete a reconciliation of that month's hard drop. (*Indiana Gaming Commission; 68 IAC 11-2-1; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2263; filed Jan 30, 1998, 11:00 a.m.: 21 IR 2059; filed Jun 19, 2000, 10:34 a.m.: 23 IR 2697; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 11-2-2 Submission of internal control procedure

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) The riverboat licensee shall submit a list of employees authorized to participate in the drop bucket collection process and the hard count to the commission agent. These employees must hold an occupational license, Level 2 or higher. Amendments to the list of employees authorized to participate in the drop bucket collection process and the hard count must be submitted to the commission agent as the amendments occur. The employee's name must be submitted to the commission agent before the employee participates in the drop bucket collection or the hard count.

(b) In accordance with 68 IAC 11-1, the riverboat licensee or riverboat license applicant shall submit internal control procedures covering the drop bucket collection and the hard count process to the executive director.

(c) The internal control procedures for the drop bucket collection process and the hard count process shall include, but is not limited to, the following areas:

- (1) The times that the drop bucket collection will occur.
- (2) The manner in which the drop bucket collection process will proceed, including the location from which the drop bucket collection process will commence.
- (3) The manner in which the drop buckets will be identifiable to an electronic gaming device.
- (4) The procedure for collecting tokens from an electronic gaming device utilizing trays instead of drop buckets.
- (5) Whether counts will be performed manually or by means of a weigh scale or an equivalent device. If a weigh scale or the equivalent is utilized, the manufacturer, type, model number, and serial number shall be listed. Weigh scales or the equivalent shall be approved as associated equipment in accordance with 68 IAC 2-7.
- (6) The department that will maintain and control the keys that are necessary to complete the drop bucket collection and hard count process.
- (7) Alternative procedures that will be utilized in the case of a malfunction or an emergency.
- (8) Describe the security measures to be taken when a drop bucket storage cart holding drop buckets with tokens must be stored outside of the hard count room.
- (9) The names and titles of the individuals who will perform the duties of the internal auditor.
- (10) The type of backup measures that will be utilized in case the primary system of conducting the drop bucket collection process, hard count, or both, malfunctions.
- (11) The measures the riverboat licensee will take to ensure compliance with this article.
- (12) Any other information the commission deems necessary to ensure compliance with the Act and this title.

(*Indiana Gaming Commission; 68 IAC 11-2-2; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2264; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 11-2-3 Hard count room characteristics; security

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) The hard count room shall be:

- (1) located in a nonpublic area of the riverboat; and
- (2) designated for weighing, counting, recording, and wrapping the contents of the drop buckets.
- (b) The hard count room shall have the following items, components, or characteristics:
 - (1) There shall be no more than two (2) metal doors to the hard count room. One (1) door shall be designed to accommodate the drop bucket storage cart. The doors must be lockable from outside the hard count room. Individuals inside the hard count room shall be able to open the hard count door from the inside in order to exit the hard count room in case of an emergency.
 - (2) There shall be no windows in the hard count room that can be opened to access the outside of the riverboat.
 - (3) A weigh scale or the equivalent and at least two (2) predetermined standard weights to verify the accuracy of the weigh scale. The riverboat licensee shall test the weights for accuracy at least one (1) time per month.
 - (4) There shall be a telephone in the hard count room that is used only in the case of an emergency to contact:
 - (A) surveillance;
 - (B) security;
 - (C) the commission agent; or
 - (D) any other necessary party.
 - (5) There may be a segregated area of the hard count room known as the unaudited token storage area accessible by a key different than the key that opens the doors to the hard count room for the storage of unaudited tokens. The unaudited token storage area key shall be maintained by the main bank in accordance with 68 IAC 11-7. Riverboat licensees shall not store token inventory in the unaudited token storage area.
 - (6) There shall be a segregated area to store tokens that have been counted but not distributed.
- (c) The riverboat licensee shall take the following security measures with respect to the hard count room:
 - (1) No individual shall carry a pocketbook or other nontransparent container into the hard count room other than containers utilized in the hard count process.
 - (2) Access to the hard count room shall be restricted to the following individuals:
 - (A) Members of the hard count team.
 - (B) Members of the drop bucket collection team.
 - (C) Maintenance personnel and supervisors who are accompanied by security personnel for problem resolution.
 - (D) The internal auditor or equivalent, accompanied by security personnel, in the performance of official duties.
 - (E) Main bank employees in conjunction with official duties of reconciling the hard count.
 - (F) Security personnel in conjunction with official duties.
 - (G) Commission agents in the performance of official duties.
 - (H) Individuals specifically authorized by the commission or commission agents.
 - (3) All of the count procedures conducted in the hard count room must be conducted in full view of the surveillance cameras.
 - (4) There shall be a hand held metal detector known as a wand immediately outside the hard count room. Security shall run the wand about each individual who exits the hard count room. Security shall run the wand near trash removed from the hard count room.
 - (5) Security personnel shall test the wand at least one (1) time every week to determine that it is operating properly. Security shall test the wand at any time that it appears the wand is malfunctioning. Security shall maintain a record that includes the following information and is available to the commission and commission agents upon request:
 - (A) The date on which the wand is tested.
 - (B) The individual that conducts the test.
 - (C) The results of the test.
 - (6) Except for commission agents, no individual shall be permitted to enter or leave the hard count room until the hard count, recording, and verification process are complete except during a normal work break or in an emergency.
 - (7) All vents and duct grating connected to the hard count room shall be secured to ensure that they cannot be removed.
 - (8) The hard count room shall be equipped with equipment that allows the surveillance department to do the following in

accordance with 68 IAC 12-1:

- (A) Monitor and record the entire count process, both audibly and visually.
- (B) Monitor and record the entire hard count room, both audibly and visually.
- (C) Monitor and visually record all individuals who enter and exit the hard count room.
- (D) Monitor and visually record the values that are reflected on the weigh scale after each drop bucket has been weighed.
- (E) Monitor and record, both audibly and visually, any other activity or area of the hard count room deemed necessary by the commission to ensure compliance with the Act and this title.

(9) There shall be a sign in the hard count room stating that the activity of any individuals in the hard count room will be monitored and recorded in accordance with this rule and 68 IAC 12-1.

(10) Keys to the hard count room shall be maintained by the security department in accordance with 68 IAC 11-7. Access to the hard count room shall be gained only by or through a security officer.

(11) The hard count room shall be designed and built to provide maximum security for the tokens contained in the hard count room and the activities that are conducted in the hard count room.

(12) Any coin, currency, chips, or tokens found in the hard count room shall become the property of the riverboat licensee and shall be included in the hard count.

(Indiana Gaming Commission; 68 IAC 11-2-3; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2264; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 11-2-4 Hard count room log

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) The riverboat licensee's security department shall maintain a hard count room log that will record ingress to and egress from the hard count room at all times.

(b) Every individual who enters and exits the hard count room shall complete the hard count room log.

(c) The hard count room log shall be maintained in the hard count room and shall contain the following information for each entry into and exit from the hard count room:

(1) The name, title, and signature of the individual entering the hard count room.

(2) The date of ingress to and egress from the hard count room.

(3) The time of ingress to and egress from the hard count room.

(4) The reason for entry to the hard count room.

(d) The security department shall make the hard count log available to the commission or commission agents for inspection upon request. *(Indiana Gaming Commission; 68 IAC 11-2-4; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2266; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 11-2-5 Drop bucket collection

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. The drop bucket collection process shall proceed in the following manner:

(1) The drop bucket collection team shall be under the constant observation of a security officer. The security officer shall not handle the tokens.

(2) Surveillance shall be notified at the initiation of the drop bucket collection process. The entire drop bucket collection process shall be monitored and recorded by surveillance. The tape of the drop bucket collection process shall be maintained by the riverboat licensee for a minimum of seven (7) days.

(3) The security officer shall obtain the key to the locked drop bucket compartment from the main bank in accordance with 68 IAC 11-7. The security officer shall turn the key over to the drop bucket collection team member who is designated to access the drop buckets.

(4) The designated hard count team member shall access the drop bucket compartment of each active electronic gaming device

and remove the drop bucket. If applicable, an identification tag shall be placed on top of the drop bucket removed from the electronic gaming device.

(5) If all of the tokens in the drop bucket compartment are not in the drop bucket, the designated hard count team member shall announce "loose tokens" to advise the security officer that he or she will be retrieving the tokens.

(6) The drop bucket that was removed from the electronic gaming device shall be placed in the drop bucket compartment of the drop bucket storage cart for transportation to the hard count room.

(7) Patrons shall be prohibited from using an elevator that is occupied by the hard count team and drop bucket storage cart.

(8) If there is not sufficient room in the unaudited token storage area or the equivalent to place the removed drop buckets, locked drop bucket storage carts may be placed immediately outside the hard count room. A security officer shall attend the locked drop bucket storage cart at all times. The surveillance department shall maintain continual camera surveillance of the drop bucket storage cart during the times it is placed outside the hard count room.

(Indiana Gaming Commission; 68 IAC 11-2-5; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2266; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 11-2-6 Hard count process

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 6. (a) The hard count process shall not be commenced nor continued unless at least three (3) members of the hard count team are present in the hard count room.

(b) The hard count process shall proceed in the following manner:

(1) The hard count team shall notify surveillance prior to the initiation of the hard count. Surveillance shall visually record the entire hard count process.

(2) A security officer shall give the hard count team access to the hard count room. The hard count room door shall be locked after the hard count team has entered the hard count room.

(3) After the hard count team has entered the hard count room and the door has been locked, no one except commission personnel, individuals specifically authorized by the commission, main bank employees, and drop bucket collection team members who are dropping off drop buckets are allowed access to the hard count room.

(4) Prior to the initiation of the count, the weigh scale in the hard count room shall be tested for accuracy by using predetermined standard weights. Any weigh scale discrepancy of two percent (2%) or more must be resolved to the satisfaction of the hard count supervisor, or his or her designee, prior to the use of the weigh scale. The results of the test weighing shall be documented and retained for a period of one (1) year. The weigh scale test tape shall be signed and dated by the individual who conducted the test.

(c) The hard count shall proceed in the following manner:

(1) The hard count team shall handle only one (1) drop bucket at a time in the following manner:

(A) An individual drop bucket shall be selected and the identification tag displayed to the surveillance camera.

(B) The contents of the drop bucket shall be deposited into the weigh scale device. The electronic gaming device identification number shall be input into the weigh scale either before or after the contents of the drop bucket have been deposited into the weigh scale.

(C) After the contents of the drop bucket have been deposited into the weigh scale device, the empty drop bucket shall be shown to the surveillance camera to verify that all tokens have been deposited.

(D) After the weigh scale settles to a constant value, the value and the electronic gaming device identification number shall be recorded if the identification number has not already been entered into the weigh scale system.

(E) The tokens shall be transferred, automatically or manually, into a token storage bin.

(2) At no time are different denominations of tokens to be commingled.

(3) At the conclusion of the weighing process, a tape of the total weight of each denomination of tokens shall be obtained. These tapes shall be utilized by the appropriate member of the hard count team to complete the appropriate columns of the electronic gaming device daily report. The weigh scale tapes shall be attached to the electronic gaming device daily report. The appropriate hard count team member shall sign and date the appropriate section of the electronic gaming device daily report. The total weight of each denomination of tokens shall not be displayed to the member of the hard count team

designated to conduct the physical inventory of the wrapped tokens.

(4) At the conclusion of the wrapping process, the appropriate hard count team member shall conduct a physical inventory to determine the value of the wrapped tokens. This member of the hard count team shall enter the totals obtained as a result of the physical inventory in the appropriate columns of the electronic gaming device daily report. This team member shall sign and date the appropriate section of the electronic gaming device daily report.

(5) After the appropriate team members have made the appropriate entries, the two (2) totals shall be compared.

(6) Differences between the totals obtained by weight and the totals obtained by physical inventory shall be detailed on the electronic gaming device daily report. Any differences of two percent (2%) or more of the total drop measured by weight or physical inventory, or both, shall be investigated by members of the hard count team. The reason for the variance, if known, shall be entered on the electronic gaming device daily report. If the reason is not known, this shall be noted. The riverboat licensee may require investigations for variances of less than the threshold amount.

(7) Variances of two percent (2%) or more that are not reconciled through subdivision (6), shall be investigated by the accounting director or designee. The results of the investigation shall be recorded on the electronic gaming device daily report. The accounting director or designee shall sign and date the electronic gaming device daily report. The riverboat licensee may require investigations for variances of less than the threshold amount.

(8) After the results of the weighing process and physical inventory have been reconciled, all members of the hard count team shall sign and date the appropriate section of the electronic gaming device daily report.

(9) After the reconciliation has been completed by the hard count team, the main bank cashier shall be contacted. The main bank cashier shall complete an independent physical inventory of all of the wrapped tokens in the presence of at least one (1) hard count team member. The main bank cashier shall not have access to the electronic gaming device daily report until after the completion of the independent physical inventory.

(10) Any discrepancies between the independent physical inventory and the totals entered on the electronic gaming device daily report shall be investigated by independent recounts conducted by the hard count team and the main bank cashier. If the electronic gaming device daily report was erroneous, it shall be voided and a new electronic gaming device daily report generated with the appropriate signatures. Any voided copy of the electronic gaming device daily report shall be retained and attached to the completed and signed copy of the report.

(11) After reconciliation of the electronic gaming device daily report and the physical inventory conducted by the main bank cashier, the main bank cashier shall verify the accuracy of and sign and date the electronic gaming device daily report in the appropriate section. When the main bank cashier signs the electronic gaming device daily report, the main bank assumes responsibility for the tokens. The tokens shall be transported to the main bank vault. The transfer shall be observed by at least one (1) security officer.

(12) The main bank will add the amount of the tokens to the main bank's accountability sheet. One (1) copy of the electronic gaming device daily report shall be forwarded to the main bank.

(13) The original electronic gaming device daily report, with the weigh scale tapes attached, shall be forwarded to the accounting department upon completion of the hard count process and after transfer of the tokens to the main bank vault.

(14) The weigh scale in the hard count room shall be monitored by the central computer system for purposes of recording the amounts collected from each drop bucket. All the information sent to the central computer system shall be printed out in the accounting department as backup. The backup printouts shall be maintained by the accounting department for at least one (1) month. Electronic archival data shall be maintained for a period of one (1) year.

(15) Every three (3) months, the internal auditor, or equivalent, shall verify the accuracy of the weigh scale. The internal auditor, or equivalent, shall notify the commission immediately of any difference of plus or minus two percent (2%). The results of the test weighing shall be documented and retained for a period of one (1) year. The weigh scale test tape shall be signed and dated by the internal auditor.

(16) If foreign tokens are discovered during the count or wrap process, the foreign tokens shall be separated and listed on a foreign token report. Foreign tokens shall be reported in accordance with 68 IAC 15-3.

(17) Any difficulties in the hard count and wrap process shall be documented by the hard count supervisor or his or her designee as an appendix to the electronic gaming device daily report. The appendix shall be on a form prescribed by the commission. Difficulties that should be recorded include, but are not limited to, the following:

- (A) Mechanical or technical difficulties with any of the equipment.
- (B) Any personnel problems that could affect the drop bucket collection process or the hard count.

(C) Any unusual situations, such as a large number of drop buckets devoid of tokens.

(D) Reconciliation differences between the value of tokens determined by weight and the total value of tokens determined by the physical inventory of the wrapped tokens.

(d) A riverboat licensee shall not transfer tokens from the hard count room during the hard count process nor before the hard count total is added to the main bank's accountability. (*Indiana Gaming Commission; 68 IAC 11-2-6; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2266; filed Jun 19, 2000, 10:34 a.m.: 23 IR 2697; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 11-2-7 Meter readings

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 7. (a) The riverboat licensee's audit department or accounting department shall read the following meters of each electronic gaming device at least one (1) time per month:

- (1) Tokens-in meter.
- (2) Tokens-out meter.
- (3) Tokens drop meter.
- (4) Bill drop meter.

(b) A log shall be maintained by the audit department or accounting department to record the meter readings. A copy of this report shall be submitted to the commission office in Indianapolis, Indiana, after the monthly readings have been completed. (*Indiana Gaming Commission; 68 IAC 11-2-7; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2268; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1066; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 3. Soft Count Procedure

68 IAC 11-3-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) The following definitions apply throughout this rule:

(1) "Bill validator report" means a report completed by the soft count team that documents the value of the currency collected from the bill validator drop boxes. The report shall be completed on a form prescribed or approved by the commission and shall include the currency count by denomination and the total amount of currency removed from the bill validator drop boxes.

(2) "Bill validator verification report" means a report generated before the commencement of the soft count that documents the amount and denomination of the currency that was deposited into a bill validator of an electronic gaming device. The report shall be completed on a form prescribed or approved by the commission and shall include, at a minimum, the following information:

- (A) The electronic gaming device from which the bill validator drop box was removed.
- (B) The total dollar value of all the currency contained in the bill validator drop box.
- (C) The number and denomination of each bill contained in the bill validator drop box.

(3) "Currency collection team" means a team of the riverboat licensee's employees that consists of at least three (3) occupational licensees, at least one (1) of whom is a security officer. The currency collection team shall be responsible for collecting the drop boxes at least one (1) time per day and placing empty drop boxes on the live gaming devices and in each bill validator.

(4) "Drop box" means the live gaming device drop boxes or bill validator drop boxes.

(5) "Drop box storage cart" means the cart, equipped with a secured compartment, utilized to transport drop boxes during the currency collection process.

(6) "Drop box verification report" means a report generated before the commencement of the soft count that documents the activity that took place at each live gaming device for the gaming day. The report shall be completed on a form prescribed or approved by the commission and shall include, at a minimum, the following information:

- (A) The opening dollar amount of each live gaming device inventory.

- (B) The identifying number and dollar amount of each live gaming device fill slip.
- (C) The total dollar amount of table fill slips.
- (D) The identifying number and dollar amount of each live gaming device credit slip.
- (E) The total dollar amount of live gaming device credit slips.
- (F) The closing dollar amount of each live gaming device inventory.
- (G) The identifying number and dollar amount of each counter check.
- (H) The total dollar amount of counter checks.
- (I) The identifying number and dollar amount of each front money withdrawal.
- (J) The total dollar amount of front money withdrawals.

(7) "Master gaming report" means a report completed by the soft count team that documents the value of the currency collected from the drop boxes of the live gaming devices. The report shall be completed on a form prescribed or approved by the commission and shall include, at a minimum, the following information:

- (A) The total amount of the opening live gaming device inventories.
- (B) The total amount of the table fill slips.
- (C) The total amount of the table credit slips.
- (D) The total amount of closing table game inventories.
- (E) The total amount of counter checks.
- (F) The total amount of front money withdrawals.
- (G) The total amount of currency, tokens, and chips removed from live gaming device drop boxes.
- (H) The total win or loss.

(8) "Recorder" means the member of the soft count team responsible for ensuring that the paperwork reconciles. The recorder shall not be responsible for completing the table count slips.

(9) "Soft count team" means a team of the riverboat licensee's employees that consists of at least one (1) employee of the soft count department, one (1) soft count supervisor, and one (1) employee of the accounting department. The soft count team shall be responsible for counting and bundling the currency collected from the live gaming devices and bill validators.

(b) Members of the currency collection team and soft count team shall wear clothing that is not conducive to the concealment of currency. Members of the currency collection team and soft count team shall not wear hats.

(c) The currency collection team and the soft count team shall be rotated on a routine basis to ensure the integrity of the currency collection process and the soft count. Members of the currency collection team can be members of the soft count team.

(d) On the last day of each month, the riverboat licensee shall drop each bill validator and complete a reconciliation of that month's soft drop. (*Indiana Gaming Commission; 68 IAC 11-3-1; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3322; filed Jan 30, 1998, 11:00 a.m.: 21 IR 2060; filed May 29, 1998, 5:10 p.m.: 21 IR 3697; filed Jun 19, 2000, 10:34 a.m.: 23 IR 2699; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 11-3-2 Submission of internal control procedure

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) The riverboat licensee shall submit a list of employees authorized to participate in the currency collection process and the soft count to the commission agent. These employees must hold an occupational license, Level 2 or higher. Amendments to the list of employees authorized to participate in the currency collection process and the soft count must be submitted to the commission agent as the amendments occur. The employee's name must be submitted to the commission agent before the employee participates in the currency collection or the soft count.

(b) In accordance with 68 IAC 11-1, the riverboat licensee or riverboat license applicant shall submit internal control procedures covering the currency collection and the soft count process to the executive director.

(c) The internal control procedures for the currency collection process and the soft count process shall include the following areas:

- (1) The times that currency collection will occur.
- (2) The manner in which the currency collection process will proceed, including the location from which the currency collection process will commence.

- (3) The manner in which the live gaming device drop box will be identifiable to the live gaming device from which it was removed.
- (4) The manner in which the bill validator drop box will be identifiable to the electronic gaming device from which it was removed.
- (5) Whether counts will be performed manually or by means of a currency counter. If a currency counter is utilized, the manufacturer, type, model number, and serial number shall be listed. Currency counters shall be approved as associated equipment in accordance with 68 IAC 2-7.
- (6) The department that will maintain and control the keys that are necessary to complete the currency collection and soft count process.
- (7) The names and titles of the occupational licensees that are authorized to transfer currency, coins, and tokens from the soft count room to the main bank.
- (8) Where currency and coins will be stored before being deposited into an external bank. The security measure that will be taken with respect to the storage of the currency and coins.
- (9) Alternative procedures that will be utilized in the case of a malfunction or an emergency.
- (10) Describe the security measure to be taken when a drop box storage cart holding live gaming device drop boxes or bill validator drop boxes containing currency, chips, tokens, or records must be stored outside of the soft count room.
- (11) Adjustments that the recorder may make to the Drop Box Verification Report.
- (12) The names and titles of the individuals who will perform the duties of the internal auditor.
- (13) The measures the riverboat licensee will take to ensure compliance with this article.
- (14) Any other information the commission deems necessary to ensure compliance with the Act and this title.

(Indiana Gaming Commission; 68 IAC 11-3-2; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3322; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 11-3-3 Soft count room characteristics; security

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) The soft count room shall be:

- (1) located in a nonpublic area of the riverboat; and
 - (2) designated for counting and recording the contents of the live gaming device drop boxes and bill validator drop boxes.
- (b) The soft count room shall have the following items, components, or characteristics:
- (1) There shall be one (1) door to the soft count room. The door must accommodate the drop box storage cart and be lockable from outside the soft count room. Individuals inside the soft count room shall be able to open the soft count door from the inside in order to exit the soft count room in case of an emergency.
 - (2) There may be a currency counter or the equivalent.
 - (3) There shall be no windows in the soft count room that can be opened to access the outside of the riverboat.
 - (4) There shall be a telephone located in the soft count room that is used only in the case of an emergency or normal work functions to contact:
 - (A) surveillance;
 - (B) security;
 - (C) the commission agent; or
 - (D) any other necessary party.
 - (5) There shall be a count table constructed of clear glass-like material that is used for the emptying, counting, and recording of the contents of the drop boxes and bill validators.
- (c) The riverboat licensee shall take the following security measures with respect to the soft count room:
- (1) No individual shall carry a pocketbook or other nontransparent container into the soft count room other than containers utilized in the soft count process.
 - (2) Access to the soft count room shall be restricted to the following individuals:
 - (A) Members of the soft count team.
 - (B) Members of the currency collection team.

- (C) Maintenance personnel and supervisors who are accompanied by security personnel for problem resolution.
 - (D) The internal auditor or equivalent, accompanied by security personnel, to verify the accuracy of the count machine.
 - (E) Security personnel in conjunction with official duties.
 - (F) Main bank employees in conjunction with official duties reconciling the soft count.
 - (G) Commission agents in the performance of official duties.
 - (H) Individuals specifically authorized by the commission or commission agents.
- (3) All of the count procedures conducted in the soft count room must be conducted in full view of the surveillance cameras.
 - (4) Once the soft count team has entered the soft count room containing the drop boxes, bill changer boxes, or both, the door to the soft count room shall be locked by a security department employee.
 - (5) All vents and duct grating connected to the soft count room shall be secured to ensure that they cannot be removed.
 - (6) After the soft count team has entered the soft count room and the door has been locked, no one except commission personnel, individuals specifically authorized by the commission, main bank employees, and currency collection team members who are dropping off drop boxes are allowed access to the soft count room.
 - (7) No individual in the soft count room may remove his or her hands from or return them to a position on or above the count table unless the individual holds the backs and palms of his or her hands straight out and exposed to the view of the other individuals present in the soft count room and the surveillance camera.
 - (8) All trash accumulated in the soft count room shall be inspected prior to the trash being removed from the soft count room.
 - (9) The soft count room shall be equipped with equipment that allows the surveillance department to do the following in accordance with 68 IAC 12-1:
 - (A) Monitor and record the entire count process both audibly and visually.
 - (B) Monitor and record the entire soft count room both audibly and visually.
 - (C) Monitor and visually record all individuals who enter and exit the soft count room.
 - (D) Monitor and visually record the values that are reflected on any count machine utilized to conduct the soft count.
 - (E) Monitor and record, both audibly and visually, any other activity or area of the soft count room deemed necessary by the commission to ensure compliance with the Act and this title.
 - (10) There shall be a sign in the soft count room stating that the activity of any individuals in the soft count room will be monitored and recorded in accordance with this rule and 68 IAC 12-1.
 - (11) Keys to the soft count room shall be maintained by the security department in accordance with 68 IAC 11-7. Access to the soft count room shall be gained only by or through a security officer.
 - (12) The soft count room shall be designed and built to provide maximum security for the funds contained in the soft count room and the activities that are conducted in the soft count room.
 - (13) Any currency, coins, chips, or tokens found in the soft count room shall become the property of the riverboat licensee and shall be included in the soft count.

(Indiana Gaming Commission; 68 IAC 11-3-3; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3323; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 11-3-4 Soft count room log

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

- Sec. 4. (a) The riverboat licensee's security department shall maintain a soft count room log that will record ingress to and egress from the soft count room at all times.
- (b) Every individual who enters and exits the soft count room shall complete the soft count log.
 - (c) The soft count room log shall be maintained in the soft count room and shall contain the following information for each entry into and exit from the soft count room:
 - (1) The name, title, and signature of the individual entering the soft count room.
 - (2) The date of ingress to and egress from the soft count room.
 - (3) The time of ingress to and egress from the soft count room.
 - (4) The reason for entry to the soft count room.
 - (d) The security department shall make the soft count room log available to the commission agents for inspection upon request.

(e) The soft count log shall be retained by the riverboat licensee for a period of one (1) year. (*Indiana Gaming Commission; 68 IAC 11-3-4; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3324; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 11-3-5 Currency collection

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. The currency collection process shall proceed in the following manner:

(1) The currency collection team shall be under the constant observation of a security officer. The security officer shall not handle the currency.

(2) Surveillance shall be notified at the initiation of the currency collection process. The entire currency collection process shall be monitored and recorded by surveillance. The tape of the currency collection process shall be maintained by the riverboat licensee for a minimum of seven (7) days.

(3) The security officer shall obtain the key to the live gaming device drop boxes from the main bank in accordance with 68 IAC 11-7. The security officer shall turn the key over to the currency collection team member who is designated to collect the live gaming device drop boxes.

(4) The security officer shall obtain the key to the bill validator drop boxes from the main bank in accordance with 68 IAC 11-7. The security officer shall turn the key over to the currency collection team member who is designated to collect the bill validator drop boxes.

(5) The designated currency collection team member shall collect the live gaming device drop boxes and the bill validator drop boxes.

(6) The live gaming device or bill validator drop box that was removed shall be placed in the drop box storage cart for transportation to the soft count room.

(7) If there is not sufficient area in the soft count room to place removed drop boxes, locked drop box storage carts may be placed immediately outside the soft count room. A security officer shall attend the locked drop box storage cart at all times. The surveillance department shall maintain continual camera surveillance of the drop box storage cart during the times it is placed outside the soft count room.

(8) Patrons shall be prohibited from using an elevator that is occupied by the currency collection team.

(*Indiana Gaming Commission; 68 IAC 11-3-5; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3324; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 11-3-6 Soft count process

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 6. (a) The soft count process shall not be commenced nor continued unless at least three (3) members of the soft count team are present in the soft count room.

(b) The soft count process shall proceed in the following manner:

(1) The soft count team shall notify surveillance prior to the initiation of the soft count. Surveillance shall visually record the entire soft count process.

(2) A security officer shall give the soft count team access to the soft count room. The soft count room door shall be locked after the soft count team has entered the soft count room.

(3) After the soft count team has entered the soft count room and the door has been locked, no one except authorized commission personnel, individuals specifically authorized by the commission, main bank employees, and drop box collection team members who are dropping off drop boxes are allowed access to the soft count room.

(4) Prior to the initiation of the count, the currency counter shall be tested for accuracy by using a precounted amount of currency from the first live gaming device drop box or bill validator drop box that is to be counted. Any discrepancy of two percent (2%) or more must be resolved to the satisfaction of the soft count supervisor, or his or her designee, prior to the use of the currency counter. The results of the test shall be documented and retained for a period of one (1) year. The currency counter test results shall be signed and dated by the individual who conducted the test.

- (5) Prior to the commencement of the soft count, the recorder shall generate a drop box verification report.
- (c) The soft count team shall handle only one (1) drop box at a time in the following manner:
 - (1) An individual drop box shall be selected and the identification label displayed to the surveillance camera. The appropriate member of the soft count team shall verbalize the live gaming device game type and identification number or the bill validator drop box identification number.
 - (2) The drop box shall be opened by the appropriate soft count team member, and the entire contents of the drop box shall be emptied onto the soft count table.
 - (3) The inside of the empty drop box shall be held up for full view by the surveillance camera, and at least one (1) member of the soft count team shall verify that the drop box is empty.
 - (4) The slide on the drop box shall be reset, and the door to the drop box shall be relocked.
 - (5) If the drop box is from a live gaming device, documents shall be separated from the currency, coins, chips, and tokens.
 - (6) The appropriate member of the soft count team shall separate the currency, cash, chips, and tokens into individual denominations. The currency shall then be counted manually or by the use of a currency counter. Currency counters utilized by the riverboat licensee must be capable of displaying the result of the count. Coins, chips, and tokens shall be counted manually or through the use of an appropriate counter.
 - (7) Once the currency, tokens, and chips have been counted, one (1) member of the soft count team shall complete the count slip on a form prescribed or approved by the commission and shall sign and date the report.
 - (8) A second member of the soft count team who has not seen the first count slip shall conduct an independent count of the currency, tokens, and chips either manually or through the use of the appropriate counter. The second soft count team member shall complete a second count slip and shall sign and date the report.
 - (9) The recorder shall compare the two (2) count slips. If there is a discrepancy between the count slips, the difference shall be isolated to particular denomination of currency, coins, tokens, or chips, and that denomination shall be recounted by the first two (2) soft count team members.
 - (10) The recorder shall sign the count slip that is correct. If corrections need to be made to a count slip to ensure one (1) of the slips accurately reflects the count, the incorrect figures shall be struck through and initialed by the two (2) soft team count members that conducted the original count. The correct information should then be entered on the count slip.
 - (11) The recorder shall compare the documents removed from each drop box to those appearing on the drop box verification report. Appropriate adjustments may be made to the drop box verification report. Any discrepancies between the documents removed from the live gaming devices drop boxes and the drop box verification report shall be noted for the internal auditor or the equivalent.
 - (12) Once all drop boxes have been counted, the soft count team shall complete the master gaming report or the bill validator report.
 - (13) Upon completion of the master gaming report, the two (2) soft count team members not performing the job of recorder shall run totals of the table count slips and compare that information to the totals recorded on the master gaming report. Variances of two percent (2%) or more shall be investigated by members of the soft count team. The reason for the variance, if known, shall be entered on the master gaming report. If the reason is not known, this shall be noted. The riverboat licensee may require investigations for variances of less than the threshold amount.
 - (14) Variances of two percent (2%) or more and which are not reconciled through subdivision (13) shall be investigated by the accounting director or designee. The results of the investigation shall be recorded on the master gaming report. The accounting director or designee shall sign and date the master gaming report. The riverboat licensee may require investigations for variances of less than the threshold amount.
 - (15) After the results of the count process have been reconciled, all members of the soft count team shall sign and date the appropriate section of the master gaming report or the bill validator report.
 - (16) After reconciliation has been completed by the soft count team, the main bank cashier shall be contacted. The main bank cashier shall complete an independent physical inventory of all of the currency, coins, chips, and tokens in the presence of at least one (1) soft count team member. The main bank cashier shall not have access to the master gaming report or the bill validator report until after the completion of the independent physical inventory.
 - (17) Any discrepancies between the independent physical inventory and the totals entered on the master gaming report or the bill validator report shall be investigated by independent recounts conducted by the soft count team and the main bank cashier. If the master gaming report or the bill validator report was erroneous, it shall be voided and a new master gaming report or

the bill validator report generated with the appropriate signatures. Any voided copy of the master gaming report or the bill validator report shall be retained and attached to the completed and signed copy of the new master gaming report or bill validator report.

(18) After reconciliation of the master gaming report, the bill validator report, and the physical inventory conducted by the main bank cashier, the main bank cashier shall verify the accuracy of and sign and date the master gaming report and the bill validator report in the appropriate section. When the main bank cashier signs the master gaming report and the bill validator report, the main bank assumes responsibility for the currency, coins, chips, and tokens.

(19) The appropriate amount of currency to keep the main bank at its imprest amount in accordance with 68 IAC 15-10-1(c) shall be transported to the main bank. The chips and tokens shall be transported to the main bank. The transfer shall be made by occupational licensees designated in section 2 of this rule and shall be observed by at least one (1) security officer. The amount transferred shall be added to the main bank's accountability sheet. One (1) copy of the master gaming report and the bill validator report shall be forwarded to the main bank.

(20) The remaining amount of currency and coin may be deposited with the riverboat licensee's external bank.

(21) The original table count slips, drop verification report, bill validator verification report, master gaming report, and bill validator report, with the appropriate tapes attached, shall be forwarded to the accounting department upon completion of the soft count process and after the currency, coin, chips, and tokens have been appropriately transferred or deposited.

(22) The currency counter in the soft count room shall be monitored by the central computer system for purposes of recording the amounts collected from each live gaming device and bill validator drop box. All the information sent to the central computer system shall be printed out in the accounting department as a backup. The backup printouts shall be maintained by the accounting department for at least one (1) month. Electronic archival data shall be maintained for a period of one (1) year.

(23) In accordance with 68 IAC 15-7-3, the revenue auditor or the equivalent shall trace the total of the bill-in meter readings as recorded by the bill acceptor flash report to the actual count performed by the soft count team to determine variances. The riverboat licensee shall require the investigation of all variances. The results of the investigation shall be recorded and reported to the head of the accounting department and the commission audit staff.

(24) Every three (3) months, the internal auditor, or equivalent, shall verify the accuracy of the currency counter. The internal auditor, or equivalent, shall notify the commission immediately of any difference of plus or minus two percent (2%). The results of the currency counter testing shall be documented and retained for a period of one (1) year. The currency counter test results shall be signed and dated by the internal auditor.

(25) If foreign tokens are discovered during the count process, the foreign tokens shall be separated and listed in the appropriate section of the master gaming report. Foreign tokens shall be reported in accordance with 68 IAC 15-3.

(26) Any difficulties in the soft count process shall be documented by the soft count supervisor or his or her designee as an appendix to the master gaming report and the bill validator report. The appendix shall be on a form prescribed or approved by the commission. Difficulties that should be recorded include, but are not limited to, the following:

- (A) Mechanical or technical difficulties with any of the equipment.
- (B) Any personnel problems that could affect the currency collection process or the soft count.
- (C) Any unusual situations, such as large number of drop boxes devoid of currency, coins, chips, or tokens.
- (D) Reconciliation differences between the value that resulted from any of the independent counts.

(d) A riverboat licensee shall not transfer currency, coins, chips, or tokens from the soft count room during the soft count process nor before the appropriate amounts are added to the main bank's accountability and the appropriate deposit slips are prepared. (*Indiana Gaming Commission; 68 IAC 11-3-6; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3324; filed May 29, 1998, 5:10 p.m.: 21 IR 3698; filed Jun 19, 2000, 10:34 a.m.: 23 IR 2700; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 4. Opening and Closing Live Gaming Devices

68 IAC 11-4-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) The following definitions apply throughout this rule:

- (1) "Closer" means the original copy of the inventory slip that is deposited into the drop box and contains the closing dollar amount of the live gaming device.
- (2) "Commission agent" means one (1) of the members of the Indiana state police department who is assigned to work with the commission and who is on duty.
- (3) "Inventory slip" means a two-part form containing the count of the chips or tokens remaining at the live gaming device when a live gaming device is closed.
- (4) "Opener" means the duplicate copy of the inventory slip that remains at the table and contains the opening dollar amount of the live gaming device.

(Indiana Gaming Commission; 68 IAC 11-4-1; filed Sep 10, 1997, 3:00 p.m.: 21 IR 22; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 11-4-2 Live gaming device inventory

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) In accordance with 68 IAC 11-1, the riverboat licensee shall submit internal control procedures covering:

- (1) live gaming device inventory; and
- (2) the opening and closing of a live gaming device.

(b) The live gaming device inventory of chips and tokens shall be maintained in a tray, which is covered with a transparent, locking lid when the live gaming device is closed. The opener shall be placed inside the transparent locking lid and the information on the opener shall be visible from the outside of the cover.

(c) The live gaming device inventory slip shall be a two-part form. On the original copy of the slip, the closer, and on the duplicate of the slip, the opener, the live gaming device inventory slip shall, at a minimum, include the following information:

- (1) The name of the riverboat licensee.
- (2) The date and time the inventory slip is generated.
- (3) The shift and pit number.
- (4) The live gaming device type and number.
- (5) The denomination and total of all chips and tokens, or both, remaining at the live gaming device.
- (6) The total dollar amount of all chips and tokens, or both, that are remaining at the live gaming device.
- (7) The name, occupational license number, and signature of the individual generating the inventory slip.
- (d) The riverboat licensee shall not accept chips or tokens from any other riverboat.

(e) Chips and tokens shall only be added or removed from the live gaming device inventory when one (1) or more of the following occurs:

- (1) In exchange for cash, coupons, markers, or the equivalent presented by the player.
- (2) For payment of winning wagers or collection of losing wagers made at the live gaming device.
- (3) Through live gaming device fill and credit procedures.
- (4) In exchange with players for gaming chips or tokens of equal value.

(f) The transfer or exchange of chips, tokens, and currency between live gaming devices is prohibited. *(Indiana Gaming Commission; 68 IAC 11-4-2; filed Sep 10, 1997, 3:00 p.m.: 21 IR 22; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 11-4-3 Opening of live gaming device

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) Immediately prior to opening a live gaming device, a security officer shall obtain the key to the locked live gaming device tray lid from the main bank in accordance with 68 IAC 11-7. The security officer shall turn the key over to the pit boss or the equivalent who is designated to access the live gaming device tray.

(b) In the presence of the appropriate level of occupational licensee assigned to the live gaming device, the pit boss or the equivalent shall unlock the transparent live gaming device tray lid.

(c) The occupational licensee assigned to the live gaming device shall count the chips and tokens by denomination in the

presence of a pit boss or the equivalent and verify the count to the opening dollar amount of the opener removed from the live gaming device tray.

(d) The occupational licensee and the pit boss or the equivalent that observed the count of the contents of the tray shall sign the opener attesting to the accuracy of the information recorded on the opener.

(e) Once the opener is signed, the occupational licensee shall immediately deposit the opener into the drop box attached to the live gaming device.

(f) The riverboat licensee shall implement procedures to be followed when the counted inventory differs from the amount recorded on the opener. These procedures shall be completed prior to the opening of the live gaming device. These procedures shall include, at a minimum, the following:

- (1) The preparation of an error form by the table games manager.
- (2) The signatures required on the error form.
- (3) The distribution of each part of the form.
- (4) Ensuring that at least one (1) part is deposited in the drop box.

(g) The riverboat licensee shall notify the commission agent, in writing, immediately, upon the discovery of a live gaming device inventory or live gaming device tray that has been compromised, and provide a written explanation, including all conclusions to the commission agent and the executive director within twenty-four (24) hours. (*Indiana Gaming Commission; 68 IAC 11-4-3; filed Sep 10, 1997, 3:00 p.m.: 21 IR 23; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 11-4-4 Closing of live gaming device

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) At any time when a live gaming device is closed, chips and tokens remaining at the live gaming device shall be counted by the appropriate level of occupational licensee assigned to the live gaming device and verified by the pit boss or the equivalent.

(b) A live gaming device inventory slip shall be prepared.

(c) The occupational licensee and the pit boss or the equivalent who observed the count of the contents of the tray shall sign the inventory slip at the time of closing the live gaming device attesting to the accuracy of the information recorded.

(d) The occupational licensee shall immediately deposit the closer in the drop box.

(e) The pit boss or the equivalent shall place the opener on the live gaming device tray in a manner that the amounts on the opener may be read through the cover, and lock the transparent live gaming device tray lid in place. (*Indiana Gaming Commission; 68 IAC 11-4-4; filed Sep 10, 1997, 3:00 p.m.: 21 IR 23; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 5. Chips and Tokens

68 IAC 11-5-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) Riverboat licensees shall submit the procedures that the riverboat licensee shall implement to ensure that all tokens and chips are accurately and regularly counted to prevent the loss of assets.

(c) All racked tokens and primary chip inventories must be rotated and counted, at a minimum, on a daily basis. Secondary sets of chips and tokens shall be rotated and counted in accordance with 68 IAC 15-4-3.

(d) The riverboat licensee shall submit a list of the titles of employees authorized to participate in the chip and token rotation and count. These employees must hold an occupational license, Level 2 or higher. Amendments to the list of employees authorized to participate in the chip and token rotation and count must be submitted to the commission agent as the amendment occurs. The employee title must be submitted to the commission agent before an employee with the title participates in the chip and token rotation and count.

(e) The riverboat licensee shall maintain the following information concerning chip and token rotations on a form approved

by the commission:

- (1) The date and time that the chip or token rotation was performed.
- (2) The printed name of the occupational licensee who performed the chip or token rotation.
- (3) The signature of the occupational licensee who performed the chip or token rotation.
- (4) The occupational license number of the occupational licensee who performed the chip or token rotation.
- (5) Any discrepancies that were discovered as a result of the chip or token inventory.
- (6) The steps that were taken to investigate any discrepancies discovered as a result of the chip or token inventory.
- (7) The results of the investigation that was conducted concerning any discrepancies discovered as a result of the chip or token inventory.

(Indiana Gaming Commission; 68 IAC 11-5-1; filed Jan 30, 1998, 11:00 a.m.: 21 IR 2061; filed Dec 29, 1998, 10:27 a.m.: 22 IR 1420; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1066; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 11-5-2 Submission of internal control procedure

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) In accordance with 68 IAC 11-1, the riverboat licensee or riverboat license applicant shall submit internal control procedures covering the rotation and counting of chips and tokens to the executive director.

(b) The internal control procedures for chip and token rotation and counts shall include, at a minimum, the following information:

- (1) The manner in which racked tokens and primary chip inventories will be rotated and counted.
- (2) The manner in which secondary chips will be rotated and counted.
- (3) The documentation the riverboat licensee will maintain to ensure the rotations and counts set forth in subdivisions (1) and (2) are conducted.
- (4) The occupational licensees who will be responsible for conducting the chip and racked token rotations and counts.

(Indiana Gaming Commission; 68 IAC 11-5-2; filed Jan 30, 1998, 11:00 a.m.: 21 IR 2061; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

Rule 6. Jet Sort Testing

68 IAC 11-6-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) As used in this rule, "commission agent" means one (1) of the members of the Indiana state police department who is assigned to work with the commission and who is on duty.

(c) At least one (1) time each gaming day, every jet sort or the equivalent must be tested to verify its accuracy. Each jet sort or the equivalent must be tested with each denomination of token utilized by the riverboat licensee.

(d) If a jet sort or the equivalent does not accurately count any of the denominations of tokens, the riverboat licensee shall take the following steps:

- (1) Immediately remove the jet sort or the equivalent from service.
- (2) Immediately notify the commission agent.
- (3) Document the results of the following in accordance with subsection (f):
 - (A) The results of the jet sort or the equivalent test.
 - (B) The name, occupational license number, and signature of the individual who performed the test.
 - (C) The day, time, and shift that the jet sort or the equivalent test was completed.
 - (D) The jet sort or the equivalent identification number.
 - (E) The location of the jet sort or the equivalent.
 - (F) The name of the commission agent notified.

(G) The corrective action taken.

(e) The riverboat licensee must have the jet sort or the equivalent serviced to correct the defect. Before the jet sort or the equivalent may be placed back into service, the riverboat licensee must demonstrate to a commission agent that the jet sort or the equivalent accurately counts each denomination of token utilized by the riverboat licensee. The riverboat licensee must document the following information in accordance with subsection (f):

- (1) The date, time, and shift that the jet sort or the equivalent is being placed back into service.
- (2) The jet sort or the equivalent identification number.
- (3) The location of the jet sort or the equivalent.
- (4) The name, occupational license number, and signature of the individual who performed the test.
- (5) The name and signature of the commission agent verifying the results of the test.
- (6) The results of the jet sort or the equivalent test performed on the jet sort or the equivalent.
- (7) The corrective action that was performed on the jet sort or the equivalent.

(f) The riverboat licensee shall document the results of each jet sort or the equivalent test conducted. The documentation shall include, at a minimum, the following information:

- (1) The date, time, and shift of the test.
- (2) The jet sort or the equivalent identification number.
- (3) The location of the jet sort or the equivalent.
- (4) The name, occupational license number, and signature of the individual performing the test.
- (5) The results of the jet sort or the equivalent test, by denomination.

All documentation required by this rule shall be maintained by the riverboat licensee for at least a period of one (1) year. (*Indiana Gaming Commission; 68 IAC 11-6-1; filed Jan 21, 1998, 10:30 a.m.: 21 IR 2054; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 7. Sensitive Key Control

68 IAC 11-7-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to riverboat licensees.

(b) The following definitions apply throughout this rule:

(1) "Commission agent" means one (1) of the members of the Indiana state police department who is assigned to work with the commission and who is on duty.

(2) "Sensitive keys" means keys that either management or the commission considers sensitive to the riverboat licensee's operation and therefore require strict control over custody and issuance. Sensitive keys include, but are not limited to, keys that will allow access to the following:

- (A) Currency.
- (B) Chips.
- (C) Tokens.
- (D) Electronic gaming devices.
- (E) Any item that would affect the integrity or outcome of a game.

(*Indiana Gaming Commission; 68 IAC 11-7-1; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3302; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 11-7-2 Submission of internal control procedure

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) The riverboat licensee shall submit a list of authorized occupational licensees who have access to the sensitive keys box. These employees must hold an occupational license, Level 2 or higher. Amendments to the list of employees with authorized

access must be submitted to the commission agent as the amendments occur.

(b) In accordance with 68 IAC 11-1, the riverboat license shall submit internal control procedures covering the control of sensitive keys to the executive director.

(c) The internal control procedures for control of sensitive keys shall include, but are not limited to, the following:

(1) The location of all sensitive keys boxes.

(2) The sensitive key name, location, custodian, and occupational licensees authorized to sign out each sensitive key.

(3) The location and custodian of duplicate sensitive keys.

(d) Each sensitive key box custodian shall be issued a sensitive key access list noting authorized occupational licensees, by title and occupational license level, who may access each sensitive key.

(e) Unless otherwise provided, whenever two (2) sensitive keys are required to access a controlled area, the keys shall be issued to different occupational licensees and each key shall be signed out independently.

(f) A sensitive keys access list shall be maintained at each sensitive keys box and a copy given to the commission agent. The sensitive keys access list shall include the following:

(1) Name of sensitive key.

(2) Location of sensitive key.

(3) Custodian of sensitive key.

(4) Quantity of sensitive keys.

(5) Level of occupational licensees authorized to sign out the sensitive key, and any applicable escort requirements and any specific limitations.

(6) Custodian of duplicate keys.

(g) If the executive director determines, at any time, that approved internal control procedures are not adequate to ensure compliance with the Act and this title, the executive director may direct the riverboat licensee, in writing, to amend its internal control procedure in accordance with 68 IAC 11-1-4. (*Indiana Gaming Commission; 68 IAC 11-7-2; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3302; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 11-7-3 Sensitive keys log

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) The riverboat licensee shall maintain a sensitive keys log on a form approved by the commission. The sensitive keys log shall include, but not limited to, the following:

(1) The date.

(2) The time the key is signed in and out.

(3) The key name.

(4) The printed name, signature, and occupational license number of the occupational licensee obtaining and returning the key.

(b) Sensitive keys shall be returned to custody and signed in by the same occupational licensee they were issued to unless there is a documented change of shift.

(c) Sensitive keys that must be passed on at the change of shift must be identified by the riverboat licensee and indicate the procedural controls over the transfer of the sensitive keys. (*Indiana Gaming Commission; 68 IAC 11-7-3; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3303; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 11-7-4 Replacement of sensitive keys

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) The riverboat licensee shall submit procedures relating to the replacement of broken, lost, or missing sensitive keys. These procedures shall include, at a minimum, the following:

(1) Identify those critical sensitive keys that require immediate changing of the locks.

(2) If a sensitive key is broken, include procedures as to:

- (A) which occupational licensee shall receive and replace the broken key; and
- (B) disposition of the broken key.

(b) When a sensitive key is determined to have been lost, missing, or taken from the premises, the riverboat licensee shall perform an immediate investigation. The investigation will be documented on an incident record. A copy of the incident report shall be given to the commission agent immediately. The record shall be kept in accordance with section 5 of this rule.

(c) Only those individuals with an occupational license, Level 1 shall be authorized to have sensitive keys duplicated. (*Indiana Gaming Commission; 68 IAC 11-7-4; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3303; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 11-7-4.1 Maintenance of keys by master

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4.1. (a) The riverboat licensee or riverboat license applicant shall submit, in writing, the manner in which the master of the vessel will maintain sensitive keys. The information to be submitted in the plan shall include, at a minimum, the following:

- (1) The titles and positions of those individuals on the navigational crew who must have access to the keys.
- (2) The location in which the keys will be maintained.
- (3) The manner in which access to the keys will be restricted to the individuals listed in subdivision (1).
- (4) The list of keys that will be maintained by the master.
- (5) The manner in which the master or the master's designee will gain access to the keys.
- (6) The documentation that will be maintained by the master, the riverboat licensee, or both, at any time that the master accesses the keys.
- (7) The manner in which the remaining keys will be secured after the master or his designee has gained access to the keys.
- (8) Any other information deemed necessary by the commission or the riverboat licensee to ensure compliance with the Act and this title.

(b) The executive director may, in writing, advise the riverboat licensee that the plan submitted in subsection (a) is not sufficient. The executive director shall advise the riverboat licensee of those areas of the submission that need to be modified. The riverboat licensee shall resubmit the plan. The same procedure shall be followed until an approved plan is achieved.

(c) The executive director may advise the riverboat licensee, at any time, after a plan is submitted, that revisions to the plan must be made if such revisions are necessary to ensure compliance with the Act and this title. (*Indiana Gaming Commission; 68 IAC 11-7-4.1; filed Aug 20, 1997, 7:11 a.m.: 21 IR 15; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 11-7-5 Records

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. (a) The riverboat licensee shall maintain the records required by this rule for a minimum of one (1) year.

(b) The riverboat licensee shall allow the commission access to or copies of the records maintained under this rule upon request by the commission. (*Indiana Gaming Commission; 68 IAC 11-7-5; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3303; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 8. Handling of Cash at Gaming Tables

68 IAC 11-8-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) As used in this rule, "cash" means the following:

- (1) Cash.

(2) Cash equivalent.

(3) A coupon issued by the riverboat licensee that may be exchanged for chips or tokens, or both.

(Indiana Gaming Commission; 68 IAC 11-8-1; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3303; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 11-8-2 Presentation of cash or coupons

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) Whenever cash or a coupon is presented by a player at a gaming table for exchange of gaming chips, the following procedures and requirements shall be observed:

(1) The cash shall be spread on the top of the gaming table by the dealer or box person accepting it in full view of the following:

(A) The player who presented it.

(B) The pit boss or the equivalent assigned to such gaming table.

(C) The surveillance system.

(2) The cash value amount shall be verbalized by the dealer or box person accepting it in a tone of voice calculated to be heard by the player and the pit boss or the equivalent assigned to such gaming table.

(3) Immediately after the cash value is announced, the cash shall be moved away from the player and the dealer or box person shall display the equivalent amount of chips or tokens, or both, in full view of the following:

(A) The player.

(B) The pit boss or the equivalent assigned to such gaming table.

(C) The surveillance system.

The chips or tokens, or both, shall then be presented to the player.

(4) Immediately after the chips or tokens, or both, have been presented to the player, the cash shall be taken from the top of the gaming table and placed by the dealer or box person into the drop box attached to the gaming table.

(b) No cash wagers shall be allowed to be placed at any gaming table. The cash shall be converted to chips prior to acceptance of a wager. *(Indiana Gaming Commission; 68 IAC 11-8-2; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3303; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 11-8-3 Voiding of coupons

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. A riverboat licensee shall require the coupon to be voided upon acceptance by the dealer or box person, in a manner approved by the commission, so as to preclude its subsequent use. *(Indiana Gaming Commission; 68 IAC 11-8-3; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3304; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

ARTICLE 12. SECURITY AND SURVEILLANCE

Rule 1. General Provisions for Surveillance System

68 IAC 12-1-1 Applicability; definitions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) As used in this rule, "suspected problem area" means an area where unusual occurrences have been observed or reason exists to believe unusual occurrences will occur.

(c) The riverboat licensee shall require that the surveillance room be staffed by an occupational licensee employed to work

in the surveillance department at all times that any of the following occur:

- (1) Gaming.
- (2) Drop bucket collection process.
- (3) Hard count process.
- (4) Currency collection process.
- (5) Soft count process.
- (6) Any other times deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(Indiana Gaming Commission; 68 IAC 12-1-1; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1558; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 12-1-2 Surveillance room specifications

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. (a) All boats must have a surveillance room.

(b) The surveillance room must:

- (1) be located out of the general view of patrons and nonsurveillance employees; and
- (2) have access limited to surveillance room personnel and persons with a legitimate need to enter the area.

(Indiana Gaming Commission; 68 IAC 12-1-2; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1558; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 12-1-3 Required surveillance equipment

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 3. (a) All riverboat licensees shall install a closed circuit television system in accordance with this rule.

(b) The equipment utilized in the closed circuit television system must meet the following standards:

- (1) All black and white television cameras must possess the following requirements or capabilities:
 - (A) Solid state.
 - (B) Two-thirds (2/3) or one-half (1/2) format.
 - (C) Minimum four hundred (400) plus line resolution installed in fixed positions with matrix control or pan, tilt, and zoom capabilities.
 - (D) Secreted from the public and nonsecurity personnel view to effectively and clandestinely monitor, in detail, from various points, the coverage described in sections 4 and 5 of this rule.
- (2) All color television cameras must possess the following requirements or capabilities:
 - (A) Two-thirds (2/3) or one-half (1/2) format.
 - (B) Minimum three hundred twenty (320) plus line resolution with matrix control or pan, tilt, and zoom capabilities.
 - (C) Secreted from the public and nonsecurity personnel view to effectively and clandestinely monitor, in detail, from various points, the coverage described in sections 4 and 5 of this rule.
- (3) All cameras must be equipped with lenses of sufficient magnification capabilities to allow the operator to clearly distinguish the value of:
 - (A) chips;
 - (B) dice;
 - (C) tokens;
 - (D) playing cards;
 - (E) keno balls; and
 - (F) positions on the roulette wheel.
- (4) All video monitors must possess the following requirements or capabilities:
 - (A) Meet or exceed the resolution requirements for video cameras with solid state circuitry.

- (B) A date and time generator synchronized to a central clock capable of being displayed on any of the video monitors and being recorded on video tape or video pictures, or both.
- (C) Each video monitor screen must:
 - (i) measure diagonally at least twelve (12) inches; and
 - (ii) have all controls located on the front of the monitor screen.
- (5) All videotape recorders must possess the following requirements or capabilities:
 - (A) Capable of producing high quality, first generation pictures that meet or exceed the resolution requirements for video cameras.
 - (B) Nonconsumer, industrial grade, capable of being recorded on a standard one-half (½) inch VHS tape with:
 - (i) high speed scanning; and
 - (ii) flickerless playback capability in real-time.
 - (C) Capable of taping what is viewed by any camera in the system.
 - (D) Sufficient number to allow:
 - (i) simultaneous taping of coverage required by sections 5 and 6 of this rule;
 - (ii) off-line playback; and
 - (iii) duplication capabilities.
- (6) All video printers must possess the following requirements or capabilities:
 - (A) Capable of adjustment.
 - (B) Capable of generating instantaneous, upon command clear, color, or black and white copies of images depicted on the surveillance monitor screen or videotape recording.
- (7) All date and time generators must:
 - (A) be based on a synchronized central or master clock;
 - (B) be capable of being recorded on tape and visible on any monitor when recorded; and
 - (C) have a back-up power supply so that it remains accurate despite power interruptions.
- (8) Equipment must allow audio capabilities in the hard and soft count rooms.
- (9) All wiring systems must be designed to prevent tampering and must possess the following requirements or capabilities:
 - (A) Be supplemented with a back-up gas generator power source or diesel generator power source, or both, that automatically engages in case of a power failure.
 - (B) Be capable of returning full power within seven (7) to ten (10) seconds after a power failure.
- (10) Video switchers must be capable of both manual and automatic sequential switching for the appropriate cameras.
- (11) The following must be in reserve in the event of equipment malfunctions:
 - (A) A minimum of two (2) back-up cameras.
 - (B) Two (2) video recording devices.
- (c) Telephone capabilities must be connected to the casino general telephone system. Radio communications must be connected with the security department. (*Indiana Gaming Commission; 68 IAC 12-1-3; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1558; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 12-1-4 Required surveillance

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) The surveillance closed circuit television system must be capable of monitoring activities on the casino floor, support areas, and any area of the pavilion through which monies are transported, including, but not limited to, the areas set forth in sections 5 and 6 of this rule.

(b) The executive director may require additional areas be monitored to ensure compliance with the Act and this title. (*Indiana Gaming Commission; 68 IAC 12-1-4; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1559; filed Aug 20, 1997, 7:11 a.m.: 21 IR 16; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 12-1-5 Surveillance system coverage

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. (a) All of the following areas must be monitored in accordance with this rule:

- (1) Live gaming devices.
 - (2) Pits.
 - (3) Electronic gaming device areas.
 - (4) Areas of the main bank.
 - (5) Hard count room.
 - (6) Soft count room.
 - (7) The route, both on and off the vessel, through which monies are transported.
 - (8) The location in which cards and dice are canceled.
- (b) The surveillance system must provide an overall view of the table capable of clearly identifying the following:
- (1) Dealers.
 - (2) Patrons.
 - (3) Hands of all participants.
 - (4) Facial views of all participants.
 - (5) All pit personnel.
 - (6) Activities of all pit personnel.
- (c) The playing surface of the tables must be viewed with sufficient clarity to:
- (1) determine:
 - (A) all wagers;
 - (B) card values; and
 - (C) game results; and
 - (2) clearly observe, in detail:
 - (A) chip trays;
 - (B) token holders;
 - (C) cash receptacles;
 - (D) tip boxes;
 - (E) dice;
 - (F) shuffle machines; and
 - (G) card shoes.
- (d) Roulette tables must be viewed with color cameras.
- (e) Electronic gaming device surveillance systems must be capable of providing the following:
- (1) A view of all patrons.
 - (2) A facial view of all patrons with sufficient clarity to allow identification of the patron.
 - (3) A view of the electronic gaming device with sufficient clarity to observe the result of the game.
 - (4) An overall view of the areas around the electronic gaming device.
 - (5) A view of bill validators with sufficient clarity to determine bill value and the amount of credit obtained.
- (f) The surveillance system must be capable of providing a view of the following:
- (1) Activity by players and employees, alone or in concert, which may constitute cheating or stealing.
 - (2) Failure of employees to follow proper procedures.
 - (3) Treatment of disorderly persons.
 - (4) Treatment of persons on the exclusion list.
 - (5) Arrests and evictions.
 - (6) Treatment of ill or injured patrons.
 - (7) Movement of cash, tokens, cards, chips, or dice on the casino floor. Upon notification of intended movement of any cash, tokens, cards, chips, or dice:
 - (A) the surveillance system personnel must record the notification in the activities log; and

- (B) during the course of routine surveillance, the progress of such movement shall be monitored to ensure that all procedures and controls are followed.
- (8) Areas where the following items are stored must be monitored by a dedicated camera that provides continuous taping or motion activation, whichever is appropriate, of the following:
 - (A) Cash.
 - (B) Tokens.
 - (C) Chips.
 - (D) Cards.
 - (E) Dice.
 - (F) Drop buckets containing tokens or any monetary equivalent.
 - (G) At least one (1) monitor that is attached to a progressive controller that controls the incrementation of the progressive jackpot for a bank of live gaming devices.
- (9) Areas where the following items are transported or stored must be monitored by a dedicated camera capable of continuous taping or motion activation:
 - (A) Uncounted tokens.
 - (B) Chips.
 - (C) Cash.
 - (D) Cash equivalents.

(Indiana Gaming Commission; 68 IAC 12-1-5; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1559; filed Aug 20, 1997, 7:11 a.m.: 21 IR 16; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 12-1-6 Surveillance system requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 6. (a) Surveillance must visually record all activity as follows:

- (1) Observed criminal activity.
- (2) Arrests or evictions.
- (3) Observed procedural violations by employees.
- (4) Detention of persons.
- (5) Emergency activities capable of being observed by the system.
- (6) Any other activity deemed necessary by the commission to ensure compliance with the Act and this title.
- (b) Surveillance must audibly and visually record the following:
 - (1) Soft count procedures in accordance with 68 IAC 11-3.
 - (2) Hard count procedures in accordance with 68 IAC 11-2.
- (c) Surveillance must monitor and visually record the following:
 - (1) Currency collection in accordance with 68 IAC 11-3.
 - (2) Drop bucket collection in accordance with 68 IAC 11-2.
 - (3) Keno ball drawing devices. The view of the keno area must:
 - (A) provide sufficient clarity to identify the numbers on the balls; and
 - (B) provide a general view of the keno area with sufficient clarity to identify employees involved in the game.
- (4) Main banks, including the following:
 - (A) The capability to monitor and record a general overview of the activities in each cage and vault area with sufficient clarity to identify patrons and employees.
 - (B) A dedicated camera to monitor, record, and identify, with sufficient clarity, the following:
 - (i) Currency, coin, token, and chip values.
 - (ii) Amounts on credit slips in any area where fills and credits are transacted.
- (5) Security department offices, including the following:
 - (A) The capability to monitor and record, both audibly and visually, all activities in any area of the security office where a person may be detained and questioned by the security department. All areas where a person may be detained and

questioned must display a notice clearly stating that the area is or may be under surveillance.

(B) All detention and questioning of detained individuals by casino security personnel must be recorded.

(C) A notice must be posted in the security office that the area is under surveillance.

(6) Entrances and exits of the riverboat and entrances and exits of the following rooms in the riverboat:

(A) Count rooms.

(B) Vaults.

(C) Surveillance rooms.

(D) Security rooms.

The entrances and exits described in this subdivision must have dedicated monitoring and recording devices with sufficient clarity to identify any person using the entrances and exits.

(7) On-site maintenance and repair service, including the following:

(A) Surveillance personnel must be notified of any maintenance or repair of any gaming or money handling equipment.

(B) Notation of the service must be made in the activity log.

(C) Repair should be periodically monitored in conjunction with routine monitoring activities to ensure proper controls and procedures are being followed by casino personnel.

(d) Surveillance must monitor, by a dedicated camera, and continuously record the following:

(1) Progressive games.

(2) Any electronic gaming device or group of electronic gaming devices with a possible jackpot payout in excess of fifty thousand dollars (\$50,000).

(3) At least one (1) monitor that is attached to a progressive controller that controls the incrementation of the progressive jackpot for a bank of live gaming devices.

(Indiana Gaming Commission; 68 IAC 12-1-6; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1560; filed Aug 20, 1997, 7:11 a.m.: 21 IR 17; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 12-1-7 Video tapes

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 7. (a) All video and audio tapes and records must be kept in accordance with this section.

(b) All video tapes depicting routine activity must:

(1) contain the date and time reading; and

(2) be retained a minimum of seven (7) days.

(c) All video and audio tapes depicting detention or questioning of a detained individual or employee must:

(1) contain the date and time reading;

(2) be marked with:

(A) the date and time the tape was made;

(B) the identities of the employee or employees responsible for the monitoring; and

(C) the identity of the employee who removed the tape from the recorder and the time and date removed;

(3) be retained a minimum of thirty (30) days; and

(4) have a copy provided to the commission agent.

(d) All video and audio tapes of procedural errors or criminal activity must:

(1) contain the date and time reading;

(2) be marked with:

(A) the date and time the tape was made;

(B) the identity of the employee responsible for the monitoring; and

(C) the identity of the employee who removed the tape from the recorder;

(3) be secured in a security cabinet that must be:

(A) in or in close proximity to the surveillance room;

(B) out of the general view of the employees and patrons; and

(C) capable of being security-locked and accessible to surveillance room supervisory personnel only;

- (4) be retained a minimum of thirty (30) days; and
- (5) have a copy provided to a commission agent.

(Indiana Gaming Commission; 68 IAC 12-1-7; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1561; errata filed May 30, 1996, 10:05 a.m.: 19 IR 2884; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 12-1-8 Logs

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 8. (a) An activity log must:

- (1) be continuously maintained by surveillance personnel;
- (2) be changed with each shift change of personnel;
- (3) be chronological;
- (4) contain, at a minimum:
 - (A) the date and time of each entry;
 - (B) the identity of the employee making the entry;
 - (C) a summary of the activity recorded;
 - (D) detail whether the activity was monitored; and
 - (E) detail the disposition of the tape, if recorded;
- (5) include entries for:
 - (A) the identity of the surveillance room personnel each time they enter or depart the surveillance room and the reason for the entry or departure;
 - (B) the notification of any maintenance or repair of any gaming device or money handling equipment;
 - (C) live table drop box exchanges;
 - (D) electronic gaming device drop bucket exchanges;
 - (E) transfers of cash, chips, tokens, cards, or dice;
 - (F) any detention or questioning of patrons or employees by the security department, including the identity of:
 - (i) the patrons or employees; and
 - (ii) the security department personnel involved;
 - (G) the beginning, end, and any interruptions of the soft count;
 - (H) the beginning, end, and any interruptions of the hard count;
 - (I) any observed procedural or control errors;
 - (J) any observed criminal activity;
 - (K) any pertinent telephone calls;
 - (L) any pertinent radio transmissions;
 - (M) any malfunctions or repair of surveillance equipment;
 - (N) any emergency activity;
 - (O) any surveillance conducted on anyone or any activity that appears:
 - (i) unusual, irregular, or illegal; or
 - (ii) appears to violate the rules of the commission;
 - (P) any surveillance conducted at the request of:
 - (i) a riverboat licensee;
 - (ii) an employee of the riverboat licensee;
 - (iii) a commission employee; or
 - (iv) a commission agent; and
 - (Q) any other notations deemed necessary by surveillance room personnel or the commission to ensure compliance with the Act and this title; and
- (6) be retained for at least ninety (90) days.
- (b) An incident report must:
 - (1) be made by the person responsible for monitoring the activity;

- (2) contain details of any incident observed that involved unusual or criminal activity;
- (3) have a copy provided to a commission agent; and
- (4) be retained a minimum of ninety (90) days.
- (c) A visitor's log must:
 - (1) include the signature of anyone other than surveillance room personnel on duty who access the surveillance room;
 - (2) identify all visitors;
 - (3) state the department or agency the visitor represents;
 - (4) state the reason for access to the room;
 - (5) provide the date and time of arrival and departure from the room; and
 - (6) be retained a minimum of ninety (90) days.
- (d) All surveillance room tapes, logs, and reports must:
 - (1) be retained in a manner to allow them to be easily retrieved by:
 - (A) time;
 - (B) date;
 - (C) location of activity; and
 - (D) type of activity; and
 - (2) be furnished to a commission agent immediately upon demand.

The riverboat licensee may retain a copy of any tape, log, or report at the riverboat licensee's own expense. (*Indiana Gaming Commission; 68 IAC 12-1-8; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1561; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 12-1-9 Maintenance and malfunctions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

- Sec. 9. (a) Maintenance of any surveillance equipment that is out of service due to maintenance or malfunction must be:
- (1) immediately reported to the commission agent;
 - (2) resolved or the equipment replaced with:
 - (A) alternative camera coverage; or
 - (B) live surveillance at the discretion of the commission agent; and
 - (3) done within twenty-four (24) hours.
 - (b) The commission agent will periodically inspect the surveillance room to ensure that:
 - (1) all equipment is working properly;
 - (2) no camera views are blocked or distorted by improper lighting or obstructions; and
 - (3) all required surveillance capabilities are in place.

(*Indiana Gaming Commission; 68 IAC 12-1-9; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1562; errata filed May 30, 1996, 10:05 a.m.: 19 IR 2884; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 12-1-10 Emergency procedures

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

- Sec. 10. (a) In all emergencies:
- (1) safety of patrons and personnel is the first priority;
 - (2) established emergency evacuation plans as set forth in 68 IAC 8-2 must be followed; and
 - (3) a commission agent must be notified.
 - (b) The following actions must be taken in all emergencies where sufficient time exists:
 - (1) Secure all records.
 - (2) Replace all tapes.
 - (3) Set recorders for slow speeds.
 - (4) Activate all tapes on dedicated cameras.

- (5) Set all other available cameras and recorders with fresh tapes.
- (c) The following actions must be taken in suspected problem areas:
 - (1) Set cameras on that area.
 - (2) Activate a fresh tape.

(Indiana Gaming Commission; 68 IAC 12-1-10; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1562; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 12-1-11 Surveillance plan

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 11. (a) The riverboat licensee must submit a surveillance plan to the executive director at least sixty (60) days prior to the commencement of riverboat gambling operations that includes the following:

- (1) A floor plan that shows the placement of all surveillance equipment.
- (2) A detailed description of the surveillance system and its equipment.
- (b) Alterations to the surveillance plan shall be submitted to the executive director at least thirty (30) days prior to the institution of the alterations.
 - (c) The alteration must include the following information:
 - (1) Details of the change, including the floor plan.
 - (2) The reason for the change.
 - (3) Expected results of the change.

(d) The surveillance plan shall be submitted to the executive director for approval. A riverboat licensee can commence operations if a surveillance plan is approved. The executive director shall advise the riverboat licensee of the decision in writing. A riverboat licensee shall not commence operations or institute alterations if the surveillance plan or alterations are disapproved. *(Indiana Gaming Commission; 68 IAC 12-1-11; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1562; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 12-1-12 Surveillance of employees

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 12. (a) All employees whose duties will be monitored in accordance with this rule must be informed prior to commencement of their labor that his or her surveillance is a requirement of their employment.

(b) All employees whose duties will be monitored in accordance with this rule must sign a written statement prior to the commencement of their employment indicating his or her understanding that he or she will be under surveillance.

(c) Riverboat licensees must maintain each signed statement until one (1) year after termination of employment of the employee.

(d) An updated statement must be signed before the commencement of any new position or rehire into any previous position provided the new position requires surveillance of the employee.

(e) All areas under surveillance and accessible only to employees must display a notice clearly stating that the area is under surveillance. *(Indiana Gaming Commission; 68 IAC 12-1-12; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1563; errata filed May 30, 1996, 10:05 a.m.: 19 IR 2884; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 12-1-13 Violation of rule

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 13. A licensee who is not in compliance with this rule is subject to disciplinary action pursuant to 68 IAC 13. *(Indiana Gaming Commission; 68 IAC 12-1-13; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1563; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 12-1-14 Waiver of requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 14. The executive director or the commission may waive, restrict, or alter any requirement or procedure set forth in this rule if the executive director or the commission determines that the requirement or procedure is impractical or burdensome and the waiver, restriction, or alteration is in the best interest of the public and the gaming industry and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure. (*Indiana Gaming Commission; 68 IAC 12-1-14; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1563; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 12-1-15 Reports by the executive director

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33; IC 5-14-1.5-6.1

Sec. 15. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to this rule to the commission at the next meeting held under 68 IAC 2-1-5 or an executive session held under IC 5-14-1.5-6.1. (*Indiana Gaming Commission; 68 IAC 12-1-15; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1563; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

ARTICLE 13. SEIZURE, FORFEITURE, AND DISCIPLINARY HEARINGS

Rule 1. Seizure, Forfeiture, and Disciplinary Hearings

68 IAC 13-1-1 Coverage of rule

Authority: IC 4-33-3-23; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-21.5-3-9

Sec. 1. (a) All commission licensees have a continuing duty to maintain suitability for licensure. A commission license does not create a property right, but is a revocable privilege contingent upon continuing suitability for licensure.

(b) The commission may initiate an investigation or a disciplinary action, or both, against a licensee about whom the commission has reason to believe at least one (1) of the following:

- (1) The licensee is not maintaining suitability for licensure.
- (2) The licensee is not complying with licensure conditions.
- (3) The licensee is not complying with the Act or this title.

(c) The commission may initiate an investigation or a disciplinary action, or both, against a licensee that the commission has reason to believe has engaged in a fraudulent act.

(d) As used in this rule, "respondent" means the person against whom a disciplinary or seizure and forfeiture action has been initiated.

(e) The commission shall appoint an administrative law judge in accordance with IC 4-21.5-3-9 and IC 4-33-3-23 to conduct a hearing after a complaint has been filed under section 3 of this rule.

(f) The respondent shall submit an original and two (2) copies of any pleading or other written document submitted to the commission or the administrative law judge, or both.

(g) The respondent and the commission must attach a certificate of service to each pleading. The certificate of service shall indicate that the pleading has been served on each attorney or party of record.

(h) A disciplinary action under this rule must also comply with IC 4-21.5-3. (*Indiana Gaming Commission; 68 IAC 13-1-1; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1036; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 13-1-2 Rights of respondents

Authority: IC 4-33-3-23; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. In a disciplinary or seizure and forfeiture hearing, the respondent is entitled to the following:

- (1) Proper notice of all allegations contained in the complaint.
- (2) The ability to confront the evidence presented against the respondent, including, but not limited to, the right to the following:
 - (A) Counsel at respondent's expense.
 - (B) Present a defense and participate fully in the proceeding.
 - (C) Call witnesses.
 - (D) Request the issuance of subpoenas under section 9 of this rule.
 - (E) Cross-examine witnesses testifying against the respondent.
 - (F) Submit legal arguments.
 - (G) Participate fully in the proceeding.

(Indiana Gaming Commission; 68 IAC 13-1-2; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1036; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 13-1-3 Complaints

Authority: IC 4-33-3-23; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-21.5; IC 4-33

Sec. 3. (a) If the commission becomes aware of facts sufficient to support a seizure and forfeiture of a gaming device under the Act and 68 IAC 2-6 or a disciplinary action against an applicant or a licensee under the Act or this title, the commission may, after investigation, order the seizure and forfeiture of the gaming device or may initiate a disciplinary action against a licensee.

(b) The seizure and forfeiture of a gaming device or a disciplinary action will be initiated by the filing of a complaint with the commission.

(c) The complaint shall meet the following requirements:

- (1) Be in writing.
- (2) State the name of the respondent. State the address and telephone number of the respondent that are on file with the commission.
- (3) Identify the gaming device that is the subject matter of the seizure and forfeiture action.
- (4) State in detail the reasons why and the facts upon which the commission will rely to show that the respondent should be disciplined or that the gaming device should be seized and forfeited.
- (5) Have a title and case number assigned to the matter.
- (6) All complaints shall be signed and dated by the executive director or the executive director's designee.
- (7) Be accompanied by a certificate of service indicating the date of service in accordance with IC 4-21.5.

(Indiana Gaming Commission; 68 IAC 13-1-3; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1037; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 13-1-4 Answer

Authority: IC 4-33-3-23; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-21.5-3-1; IC 4-21.5-3-24; IC 4-33

Sec. 4. (a) The respondent shall file an answer within twenty (20) days of service of the complaint.

(b) The respondent may submit an answer in accordance with IC 4-21.5-3-1.

(c) An answer shall meet the following requirements:

- (1) Be in writing.
- (2) Contain an admission or denial of each factual allegation contained in the complaint.
- (3) Set forth any affirmative defense that the respondent wishes to plead.
- (4) All answers shall be signed, verified, and dated by the respondent. Such verification shall be notarized and shall include a certification stating, "Under the penalty of perjury, the undersigned has examined the answer and to the best of my knowledge and belief, it is true, complete, and correct."
- (d) Default judgment or dismissal may result at any stage of the proceeding in accordance with IC 4-21.5-3-24. If a party fails

to take action for which it is responsible for a period of sixty (60) days, default judgment shall be entered against the party or the case shall be dismissed. (*Indiana Gaming Commission; 68 IAC 13-1-4; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1037; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 13-1-5 Appearances; service

Authority: IC 4-33-3-23; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-21.5-3; IC 4-33

Sec. 5. A respondent may represent himself or herself or may be represented by an attorney or representative who is in compliance with 68 IAC 1-6. Service shall be made in accordance with 68 IAC 1-6-4(c). (*Indiana Gaming Commission; 68 IAC 13-1-5; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1037; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 13-1-6 Hearings

Authority: IC 4-33-3-23; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-21.5-3; IC 4-33

Sec. 6. (a) A hearing conducted under this rule is open to the public. Witnesses may, however, be excluded or sequestered. (b) Hearings shall be held in Indianapolis, Indiana, unless for good cause stated in an open meeting, the commission designates another place for the hearing.

(c) Unless precluded by law or objected to by a party, the commission may allow informal disposition of a proceeding without a hearing, including, but not limited to, the following:

- (1) Disposition by stipulation.
- (2) Agreed settlement.
- (3) Consent order.

(*Indiana Gaming Commission; 68 IAC 13-1-6; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1037; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 13-1-7 Administrative law judges

Authority: IC 4-33-3-23; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-21.5-3; IC 4-33

Sec. 7. (a) One (1) commission member acting as an administrative law judge under IC 4-33 and IC 4-21.5-3 or an administrative law judge appointed under IC 4-21.5-3 may serve as the administrative law judge for a commission proceeding.

(b) The commission member or administrative law judge may do any of the following:

- (1) Issue subpoenas to compel the attendance of witnesses and the production of papers and documents.
- (2) Authorize the taking of depositions.
- (3) Administer oaths.
- (4) Receive evidence under section 16 of this rule.
- (5) Rule on amendment to pleadings and the admissibility of evidence.
- (6) Exclude, sequester, and examine witnesses.
- (7) Set reasonable time frames within which a party may present evidence and within which a witness may testify.
- (8) Permit and set limits on oral argument.
- (9) Issue interim orders.
- (10) Establish dates and times for all hearings.
- (11) Recess a hearing from day to day and place to place.
- (12) Request briefs before or after the commission member or administrative law judge files written recommendations, findings of fact, and conclusions of law.
- (13) Perform other duties necessary to ensure the parties are provided a fair and proper hearing.

(c) The commission member serving as an administrative law judge or administrative law judge of a proceeding must comply with the requirements of IC 4-21.5-3. (*Indiana Gaming Commission; 68 IAC 13-1-7; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1037*)

readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 13-1-8 Discovery

Authority: IC 4-33-3-23; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3; IC 4-33

Sec. 8. (a) Upon written request served on a party, the requesting party shall be entitled to the following:

(1) The name and address of any witness who may be called to testify on behalf of a party. The parties shall be under a continuing duty to update this list.

(2) All documents or other materials in the possession or control of a party that the party reasonably expects will be necessary to introduce into evidence. The respondent's burden of production includes those documents the respondent reasonably expects to introduce into evidence in the respondent's case-in-chief.

(b) Discovery may be obtained in accordance with rule 28(F) of the Indiana Rules of Trial Procedure. Witnesses and documents responsive to a proper request for production that were not produced shall be excluded from the hearing and additional sanctions or penalties may be imposed.

(c) The parties shall make every effort to resolve disputes regarding discovery. Disputes that are unresolved may be brought to the administrative law judge for resolution via:

(1) a motion to compel;

(2) a motion for protective order; or

(3) other appropriate motion;

under the Indiana Rules of Trial Procedure. The disputed discovery is stayed on the disputed matter during the pendency of such motion unless the administrative law judge orders discovery to continue. Discovery shall be stayed for a period of not more than ten (10) days. The administrative law judge may extend the time during which discovery is stayed upon a showing of good cause. The filing of such a motion shall not extend the time to complete discovery, nor provide cause for a continuance of the hearing on the merits, unless the administrative law judge orders an extension or continuance. (*Indiana Gaming Commission; 68 IAC 13-1-8; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1038; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 13-1-9 Subpoenas

Authority: IC 4-33-3-23; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3-22; IC 4-33

Sec. 9. All subpoenas shall be issued in accordance with IC 4-21.5-3-22. (*Indiana Gaming Commission; 68 IAC 13-1-9; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1038; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 13-1-10 Prehearing conferences

Authority: IC 4-33-3-23; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3; IC 4-33

Sec. 10. An administrative law judge shall schedule a prehearing conference at the request of either party or on the administrative law judge's own initiative on any matters deemed necessary to facilitate the disciplinary hearing, seizure, and forfeiture hearing, or both. (*Indiana Gaming Commission; 68 IAC 13-1-10; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1038; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 13-1-11 Motions for summary judgment and other appropriate motions

Authority: IC 4-33-3-23; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3; IC 4-33

Sec. 11. (a) The administrative law judge may recommend a directed finding or summary judgment upon the filing of an appropriate motion by any party. These motions shall be made in compliance with the Indiana Rules of Trial Procedure and IC 4-21.5-3.

(b) The administrative law judge may hear arguments on the motion for summary judgment or other appropriate motion. The administrative law judge may require the parties to brief their positions in support of or against the motion for summary judgment or other appropriate motion. (*Indiana Gaming Commission; 68 IAC 13-1-11; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1038; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 13-1-12 Depositions

Authority: IC 4-33-3-23; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-21.5-3; IC 4-33

Sec. 12. All depositions must be conducted in accordance with the Indiana Rules of Trial Procedure. (*Indiana Gaming Commission; 68 IAC 13-1-12; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1039; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 13-1-13 Continuances

Authority: IC 4-33-3-23; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-21.5-3; IC 4-33

Sec. 13. (a) A motion to continue a hearing or deposition must be made at least ten (10) days before the hearing or deposition date unless the requesting party can show good cause.

(b) Continuances may be granted by the administrative law judge upon a showing of good cause.

(c) The administrative law judge may order a continuance of a hearing on the administrative law judge's own initiative. (*Indiana Gaming Commission; 68 IAC 13-1-13; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1039; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 13-1-14 Proceedings

Authority: IC 4-33-3-23; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-21.5-3; IC 4-33

Sec. 14. (a) The burden of proof is at all times on the commission. The commission shall have the affirmative responsibility of establishing by a preponderance of the evidence that the respondent should be disciplined or the gaming device or gaming devices should be seized and forfeited.

(b) The respondent has the burden of proof to prove the allegations contained in any affirmative defense contained in the answer. The respondent shall have the affirmative responsibility of establishing the elements of an affirmative defense by a preponderance of the evidence.

(c) Any testimony shall be given under oath or affirmation. The administrative law judge or recorder shall be authorized to administer oaths.

(d) Both parties may present an opening statement on the merits. The commission proceeds first followed by the respondent. The respondent may not reserve opening statement for a later time. The administrative law judge may determine the length of time each party is permitted for the presentation of an opening statement.

(e) The commission shall then present the commission's case-in-chief.

(f) Upon conclusion of the commission's case-in-chief, the respondent may move for a directed finding. The administrative law judge may hear arguments on the motion or may grant, deny, or reserve any decision thereon, with or without argument.

(g) If no motion for directed finding is made, or if such motion is denied or decision reserved thereon, the respondent may present its case.

(h) Each party may conduct cross-examination of adverse witnesses.

(i) Upon conclusion of the respondent's case, the commission may present evidence in rebuttal.

(j) The administrative law judge may ask questions of the witnesses and may request or allow additional evidence at any time, including additional rebuttal evidence.

(k) Both parties may present closing argument. The commission proceeds first, then the respondent, and, thereafter, the commission may present rebuttal argument. The administrative law judge may determine the length of time each party is permitted for the presentation of closing argument.

(l) The administrative law judge may require or allow the parties to submit posthearing briefs, and findings of fact and conclusions of law within ten (10) days of the conclusion of the hearing or within such other time period the administrative law judge might order. (*Indiana Gaming Commission; 68 IAC 13-1-14; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1039; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 13-1-15 Behavior

Authority: IC 4-33-3-23; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-21.5-3; IC 4-33

Sec. 15. (a) Each party, witness, attorney, or other representative shall behave in all commission hearings and proceedings with dignity, courtesy, and respect for the commission, the administrative law judge, and all participants to the proceeding.

(b) An individual who violates this section may be excluded from the hearing or proceeding by the commission member or administrative law judge. (*Indiana Gaming Commission; 68 IAC 13-1-15; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1039; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 13-1-16 Evidence

Authority: IC 4-33-3-23; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-21.5-3-26; IC 4-33

Sec. 16. (a) The hearing shall be conducted in accordance with IC 4-21.5-3-26.

(b) A respondent must afford the commission an opportunity to investigate and verify information or documents that the respondent intends to offer in support of his or her case. The respondent shall not be permitted to introduce into evidence any information or documents that the commission has not been afforded the opportunity to investigate and verify.

(c) The parties shall, to the fullest extent possible, stipulate all matters that are or should not be in dispute.

(d) The parties may make objections to evidentiary offers. When an objection is made, the administrative law judge may receive the disputed evidence subject to a ruling at a later time.

(e) The administrative law judge may take official notice of any generally accepted information or technical or scientific matter within the field of gaming and any other fact that may be judicially noticed by courts of Indiana. The parties shall be informed of any information, matters, or facts so noticed and shall be given reasonable opportunity to refute such evidence. (*Indiana Gaming Commission; 68 IAC 13-1-16; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1039; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 13-1-17 Transmittal of record and recommendation to the commission

Authority: IC 4-33-3-23; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-21.5-3; IC 4-33

Sec. 17. (a) The record shall consist of those items set forth in IC 4-21.5-3-33.

(b) Oral proceedings involving contested issues shall be recorded stenographically or by such other means as to adequately ensure the preservation of such testimony or oral proceedings and shall be transcribed on request of any party. The transcript shall be paid for by the requesting party.

(c) Within ninety (90) days of the conclusion of the hearing, or the submission of posthearing briefs or proposed findings of fact under section 14(l) of this rule, the administrative law judge shall issue to the commission written findings of fact, conclusions of law, and recommendations. Findings of fact shall be based exclusively on testimony, evidence, and matters within the record. The findings of fact shall be stated separately and be in accordance with IC 4-21.5-3-27 and IC 4-21.5-3-28. The parties may file objections to the written findings of fact, conclusions of law, and recommendations issued by the administrative law judge in accordance with IC 4-21.5-3-29.

(d) Requirements for a final commission order shall be as follows:

(1) The commission shall review the entire record and shall render a written order, including the basis for its decision. The commission may require that the parties present oral argument before the commission. The commission may take any of the following actions:

(A) The commission may affirm the written recommendations, findings of fact, and conclusions of law submitted by

the administrative law judge as its final commission order.

(B) The commission may modify the written recommendations, findings of fact, and conclusions of law submitted by the administrative law judge.

(C) The commission may dissolve the written recommendations, findings of fact, and conclusions of law submitted by the administrative law judge.

(D) The commission may remand the matter, with instructions, to the administrative law judge for further proceedings.

(E) In the absence of an objection or notice by the commission to review any issue relating to the written recommendations, findings of fact, and conclusions of law submitted by the administrative law judge, the commission shall affirm the written recommendations, findings of fact, and conclusion of law.

(F) The written order shall be issued by the commission, or the proceeding shall be remanded to the administrative law judge for further proceedings within sixty (60) days of the later of:

(i) the date that the written recommendations, findings of fact, and conclusions of law were issued under subsection (c);

(ii) the receipt of briefs or proposed findings of fact; or

(iii) the close of oral argument;

unless the period is waived or extended with the written consent of all parties or for good cause shown.

(2) Copies of the final commission order shall be served on the respondent by personal delivery or certified mail.

(3) A final commission order shall become effective upon personal delivery to the petitioner or upon posting of certified mail.

(4) The findings of fact shall be stated separately, and be in accordance with IC 4-21.5-3-27, IC 4-21.5-3-28, and IC 4-21.5-3-29.

(5) The commission may modify the final order in accordance with IC 4-21.5-3-31.

(Indiana Gaming Commission; 68 IAC 13-1-17; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1040; errata filed Apr 9, 1996, 12:15 p.m.: 19 IR 2044; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 13-1-18 Settlement offers

Authority: IC 4-33-3-23; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3; IC 4-33

Sec. 18. (a) The parties may propose settlement offers to the administrative law judge or the commission at any stage of the proceedings where time, the nature of the proceeding, and public interest permit. Such offers may be made at any time prior to the final disposition of the action, including prior to the initiation of the proceedings. The commission or the administrative law judge may require that any of the parties to the offer make an oral or written presentation to the administrative law judge or the commission regarding the settlement offer.

(b) Settlement agreements shall meet the following requirements:

(1) Be in writing.

(2) Be signed by the parties to the settlement offer.

(3) Be consistent with the provisions and objectives of the law.

(4) Accurately reflect all the terms of the settlement.

(5) Be served on the commission at the commission's office in Indianapolis, Indiana, by hand delivery, certified mail, or overnight mail.

(6) Be accompanied by a proposed order.

(c) If the commission votes to reject a settlement offer, the commission shall direct the executive director to notify the parties in writing, by certified mail or personal delivery, that the settlement offer was rejected. The offer and any documents relating to the offer shall not constitute a part of the record. *(Indiana Gaming Commission; 68 IAC 13-1-18; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1040; errata filed Apr 9, 1996, 12:15 p.m.: 19 IR 2044; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 13-1-19 Prohibition on ex parte communication

Authority: IC 4-33-3-23; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3; IC 4-33

Sec. 19. A party or its representative shall not communicate directly or indirectly with the administrative law judge regarding any pending matter, except upon notice and opportunity for all parties to participate. A party who does have ex parte communication with the administrative law judge may be subject to the sanctions and penalties set forth in section 20 of this rule. (*Indiana Gaming Commission; 68 IAC 13-1-19; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1041; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 13-1-20 Sanctions and penalties

Authority: IC 4-33-3-23; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-21.5-3; IC 4-33

Sec. 20. (a) The administrative law judge may impose sanctions and penalties if the administrative law judge finds that a party has acted in bad faith, for the purpose of delay, or has otherwise abused the hearing process. Such sanctions and penalties include, but are not limited to:

- (1) default judgment or directed finding on one (1) or more issues; or
- (2) a fine.

(b) If a respondent fails to testify on the respondent's own behalf with respect to any question propounded to that person, the administrative law judge may infer therefrom that such testimony or answer would have been adverse to the case of the party refusing to testify.

(c) If the respondent or its agent fails to answer a subpoena or refuses to testify fully at the request of the commission, such failure may be deemed independent grounds for a finding that the gaming device should have been seized and forfeited or the respondent should be disciplined. The administrative law judge may also infer therefrom that such testimony would have been adverse to the respondent.

(d) The unexcused failure of the respondent to appear at a hearing shall constitute an admission of all matters and facts contained in the notice of a seizure and forfeiture action, a disciplinary action, or both. In such case, the administrative law judge may take action based upon such admission or upon any other evidence, including affidavits, without any further notice to the respondent. (*Indiana Gaming Commission; 68 IAC 13-1-20; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1041; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 13-1-21 Actions available to the administrative law judge and the commission

Authority: IC 4-33-3-23; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-21.5-3; IC 4-33

Sec. 21. (a) The commission may take any of the following actions in an action to seize and forfeit a gaming device:

- (1) Seize and forfeit any gaming device that does not comply with the Act or this title.
 - (2) Require the destruction or other appropriate disposal of any gaming device that does not comply with the Act or this title.
- Prior to the disposal of any gaming device, the commission shall:

- (A) take a photograph that demonstrates the nature of the gaming device; and
- (B) record an adequate description of the gaming device.

(3) Impose any appropriate action set forth in subsection (b) on a person who possesses any gaming device that does not comply with the Act or this title.

(b) The commission may take any of the following actions in a disciplinary action against a licensee:

- (1) Suspend, revoke, restrict, or place conditions on the license of a licensee.
- (2) Require the removal of a licensee or the employee of a licensee.
- (3) Impose a civil penalty of not more than the greater than ten thousand dollars (\$10,000) or an amount equal to the riverboat licensee's daily gross receipts for the day of the violation.
- (4) Impose a civil penalty of not more than five thousand dollars (\$5,000) against a supplier licensee for each violation of the Act or this title.
- (5) Impose a civil penalty of not more than five thousand dollars (\$5,000) against an occupational licensee for each violation of the Act or this title.
- (6) Any other action deemed necessary by the commission to ensure compliance with the Act or this title.

(*Indiana Gaming Commission; 68 IAC 13-1-21; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1041; readopted filed Nov 25, 2002, 10:11*)

a.m.: 26 IR 1261)

68 IAC 13-1-22 Special proceedings

Authority: IC 4-33-3-23; IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-4; IC 4-33

Sec. 22. (a) The commission may suspend a license issued to a riverboat licensee without notice or hearing if the commission determines that the safety or health of patrons or employees would be threatened by the continued operation of the riverboat.

(b) If the commission determines that an emergency exists, the commission may suspend a riverboat owner's license, a supplier's license, or an occupational license by one (1) of the following procedures:

(1) Without notice or an evidentiary proceeding, by any authorized individual or panel of individuals.

(2) After a hearing conducted by an administrative law judge.

The resulting order must include a brief statement of the facts and the law that justifies the commission's decision to take the specific action under IC 4-21.5-4.

(c) A special proceeding under this section must comply with IC 4-21.5-4.

(d) The suspension of the riverboat owner's license may continue until the commission determines that the cause for the suspension of the license has been abated.

(e) The commission may revoke the riverboat owner's license if the commission determines that the riverboat licensee has not made satisfactory progress toward abating the hazard to the safety or health of patrons or employees within a reasonable period of time. (*Indiana Gaming Commission; 68 IAC 13-1-22; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1042; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

ARTICLE 14. GAMING EQUIPMENT

Rule 1. General Provisions

68 IAC 14-1-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This article applies to all riverboat licensees and riverboat license applicants.

(b) Unless otherwise provided or approved by the executive director, all gaming equipment utilized by a riverboat licensee must comply with this article.

(c) If the executive director determines, at any time, that gaming equipment being utilized by a riverboat licensee is not adequate to ensure compliance with the Act and this title or the integrity of the game, the executive director may direct the riverboat licensee, in writing, to utilize gaming equipment that does comply with the Act and this title or that ensures the integrity of the game. (*Indiana Gaming Commission; 68 IAC 14-1-1; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2268; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 14-1-2 Violation of article

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. Failure to comply with this article may result in the initiation of a disciplinary action under 68 IAC 13. (*Indiana Gaming Commission; 68 IAC 14-1-2; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2268; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 14-1-3 Waiver of requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. The executive director or the commission may waive, alter, or restrict any requirement concerning gaming equipment set forth in this article if the executive director determines that the requirement:

- (1) is impractical or burdensome and the waiver, alteration, or restriction is in the best interest of the public and the gaming industry; and
- (2) is not outside the technical requirements necessary to serve the purpose of the requirement and will not reduce the integrity of the game established by this article.

(Indiana Gaming Commission; 68 IAC 14-1-3; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2268; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 14-1-4 Reports by the executive director

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. The executive director shall report any action he or she has taken or contemplates taking under this article with respect to gaming equipment to the commission at the next meeting held under 68 IAC 1-2-5. The commission may direct the executive director to take additional or different action. *(Indiana Gaming Commission; 68 IAC 14-1-4; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2269; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

Rule 2. Live Gaming Device Table Requirements

68 IAC 14-2-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) Unless otherwise provided, or approved by the executive director, all live gaming device tables utilized by riverboat licensees must comply with this rule.

(c) Live gaming device tables utilized for specific games shall comply with the additional requirements as set forth in this article. *(Indiana Gaming Commission; 68 IAC 14-2-1; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3294; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 14-2-2 Live gaming device table requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) Each live gaming device shall have, at a minimum, the following requirements:

(1) Each live gaming device shall be capable of having a drop box attached to it that meets the following requirements:

- (A) One (1) lock that secures the contents of the drop box.
- (B) A separate lock that attaches the drop box to the live gaming device. The keys to the lock securing the contents of the drop box and attaching the drop box to the live gaming device must be separate.
- (C) A slot opening through which currency, coins, tokens, chips, forms, records, and documents can be inserted into the drop box.
- (D) Be equipped with a mechanical device that automatically closes and locks the slot opening upon removal of the drop box from the live gaming device.
- (E) Is attached to the side of the live gaming device table at which the dealer is located, or at another location approved by the executive director.
- (F) Have the type of game, the shift, and the live gaming device table number to which the drop box is attached permanently imprinted on the drop box. The imprinted information must be clearly visible.

(2) Each live gaming device shall be capable of having a tip box attached to it for the deposit of tips and gratuities received by the dealer. The tip box shall meet the following requirements:

- (A) It shall be a transparent container.
- (B) It shall be capable of being locked.
- (C) It shall be capable of being secured to the table by means of a chain, a lock, or the equivalent. If the tip box is attached by means of a lock, the key to remove the tip box from the table shall be separate from the key that opens the tip box.
- (D) It shall be attached to the side of the live gaming device table at which the dealer is located, or at another location approved by the executive director.

(3) Each live gaming device that utilizes a table layout shall have the name of the riverboat licensee imprinted on the layout.

(b) The riverboat licensee may have emergency drop boxes to replace the drop boxes on a temporary basis. The emergency drop boxes must meet the requirements outlined in subsection (a)(1)(A) through (a)(1)(E) and must have the word "EMERGENCY" permanently and clearly imprinted thereon. (*Indiana Gaming Commission; 68 IAC 14-2-2; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3294; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1066; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 14-2-3 Commission registration number; inventory

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) Each live gaming device shall display an external registration tag and number that is issued and affixed by the commission.

(b) The riverboat licensee must maintain an inventory of live gaming devices. The inventory must include the following:

- (1) The serial number, if any, assigned to the live gaming device by the manufacturer.
- (2) The registration number issued by the commission.
- (3) The type of game for which the live gaming device is designed and used.
- (4) The location of each live gaming device.
- (5) The manufacturer of the live gaming device.

(c) The inventory report must be submitted, on a form prescribed by the commission, to the executive director within ten (10) days of the issuance of the riverboat owner's license and on each subsequent anniversary date of the issuance of the riverboat owner's license. (*Indiana Gaming Commission; 68 IAC 14-2-3; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3294; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 3. Cards and Dice

68 IAC 14-3-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees and riverboat license applicants.

(b) As used in this rule, "commission agent" means one (1) of the members of the Indiana state police department who is assigned to work with the commission's gaming enforcement section who is on duty. (*Indiana Gaming Commission; 68 IAC 14-3-1; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2269; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 14-3-2 Playing card specifications

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) All playing cards utilized by a riverboat licensee or a riverboat license applicant must comply with this rule.

(b) All playing cards must meet the following specifications:

(1) Unless otherwise provided in this article, all decks of cards must be one (1) complete standard deck of fifty-two (52) cards in four (4) suits. The four (4) suits shall be hearts, diamonds, clubs, and spades. Each suit shall consist of numerical cards from:

- (A) two (2) to ten (10);
- (B) a jack;
- (C) a queen;
- (D) a king; and
- (E) an ace.

(2) The backs of each card in a deck must be identical and no card shall contain any marking, symbol, or design that will enable a person to know the identity of any element printed on the face of the card or that will differentiate the back of that card from any other card in the deck.

(3) All edges must be perfectly square with each side at a precise ninety (90) degree angle to each adjacent side of the card.

(4) The radius of all four (4) corners must be exactly the same.

(5) The name or logo of the riverboat licensee or riverboat license applicant must be imprinted on the back side of each playing card twice in a mirror image. The mirror imaged name or logo of the riverboat licensee or riverboat license applicant must be spaced a minimum of three-fourths ($\frac{3}{4}$) of an inch apart.

(6) When playing cards have a white border, the border must be a minimum of three-sixteenths ($\frac{3}{16}$) of an inch on each side of the card.

(7) In the hearts suit, the hearts must be a burgundy red color.

(8) In the diamonds suit, the diamond pips must be a burgundy red color.

(9) In the spades suit, the spades must be a black color.

(10) In the clubs suit, the trefoil-shaped figure must be a black color.

(11) All finished card decks are to be packaged through use of a cellophane or shrink wrap in single deck boxes with a tamper resistant security seal and a tear band.

(12) The manufacturer's identification name shall be placed on each deck box.

(13) The manufacturer's identification name shall be placed on each box containing individual decks of playing cards.

(Indiana Gaming Commission; 68 IAC 14-3-2; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2269; filed Mar 21, 1997, 10:00 a.m.: 20 IR 2097; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 14-3-3 Dice specifications

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) All dice utilized by a riverboat licensee or a riverboat license applicant must comply with this rule.

(b) All dice must meet the following specifications:

(1) Be formed in the shape of a perfect cube and of a size no smaller than seven hundred fifty-thousandths (0.750) of an inch on each side nor larger than seven hundred seventy-five thousandths (0.775) of an inch on each side.

(2) The name or logo of the riverboat licensee must be imprinted on or in each die utilized by the riverboat licensee or riverboat license applicant.

(3) Be transparent and made exclusively of cellulose except for the following:

- (A) Spots.
- (B) Name or logo of the riverboat licensee.
- (C) Serial number or letters, or both.

(4) The surface of each side of the die must be perfectly flat, and the spots contained in each side of the die must be perfectly flush with the area surrounding the spots.

(5) The edges and corners of each die must be perfectly square and form ninety (90) degree angles with each adjacent side.

(6) The texture and finish of each side must be exactly identical to the texture and finish of all other sides.

(7) The weight of each die must be equally distributed throughout the cube, and no side of the cube may be heavier or lighter than any other side of the cube.

(8) Have six (6) sides bearing white circular spots from one (1) to six (6) respectively with the diameter of each spot equal to the diameter of every other spot on the die.

(9) Have spots arranged so that the following occurs:

- (A) The side containing one (1) spot is directly opposite the side containing six (6) spots.

(B) The side containing two (2) spots is directly opposite the side containing five (5) spots.

(C) The side containing three (3) spots is directly opposite the side containing four (4) spots.

(10) Each spot shall be placed on the die by drilling or the equivalent into the surface of the cube and filling the drilled out portion with a compound that:

(A) is equal in weight to the weight of the cellulose drilled out; and

(B) forms a permanent bond with the cellulose cube.

(Indiana Gaming Commission; 68 IAC 14-3-3; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2269; filed Mar 21, 1997, 10:00 a.m.: 20 IR 2097; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 14-3-4 Removal of cards or dice

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) The riverboat licensee shall remove any dice or playing cards at any time there is an indication of any of the following:

(1) The dice or playing cards have been tampered with.

(2) The dice or playing cards are flawed.

(3) The dice or playing cards are defective, and the defect may affect the integrity or fairness of the game.

(b) If there is an indication that any dice or playing cards have been tampered with, the pit boss or the equivalent shall place the dice or playing cards in an envelope, seal the envelope, and give the envelope to the commission agent. The pit boss or the equivalent shall note the following on the outside of the envelope:

(1) The date and time the dice or playing cards were removed from play.

(2) The live gaming device from which the dice or playing cards were removed from play.

(3) The characteristics that indicate that the dice or playing cards were tampered with.

(4) The name of all occupational licensees at the live gaming device from which the dice or playing cards were removed, and the name of the pit boss or the equivalent who removed the dice or playing cards from play.

(c) Except for dice that are removed from play due to the possibility of tampering, all dice shall be canceled when removed from play. Dice may be canceled by means of the following:

(1) Drilling a circular hole of at least one-fourth ($\frac{1}{4}$) inch in diameter through the center of each die.

(2) Destroying the die by shredding.

(3) Canceling the die in any other manner approved by the executive director.

(4) The cancellation of dice must be monitored by surveillance in accordance with 68 IAC 12-1-5.

(d) Except for playing cards that are removed from play due to the possibility of tampering, all playing cards shall be canceled by one (1) of the following methods:

(1) Drilling a circular hole of at least one-fourth ($\frac{1}{4}$) inch through the center of each card in the deck.

(2) Shaving at least two (2) corners of each playing card so that each side is no longer at ninety (90) degree angles with each adjacent side.

(3) The cards are destroyed by shredding.

(4) Canceling the cards by any other method approved by the executive director.

(5) The cancellation of cards must be monitored by surveillance in accordance with 68 IAC 12-1-5.

(Indiana Gaming Commission; 68 IAC 14-3-4; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2270; filed Aug 20, 1997, 7:11 a.m.: 21 IR 18; errata filed Nov 17, 1997, 3:45 p.m.: 21 IR 1347; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 14-3-5 Storage of cards or dice

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. (a) All dice or playing cards that are not being utilized at a live gaming device shall be kept in locked compartments.

(b) Dice and playing cards shall not be left at a live gaming device while unattended.

(c) Riverboat licensees or riverboat license applicants shall maintain an inventory of all dice and playing cards on forms

prescribed by the commission. The inventory shall contain the following information:

- (1) The date on which dice and playing cards are received.
- (2) The quantity of the dice and playing cards received.
- (3) The name, business address, and business telephone number of the manufacturer from which the dice or playing cards are received.
- (4) The quantity of dice and playing cards that are placed into play each day.
- (5) The quantity of dice and playing cards that are removed from play due to suspected tampering and the date of the removal.
- (6) The quantity of dice and playing cards that [*sic., are*] removed from play and canceled each day.

(d) Riverboat licensees shall conduct a physical inventory of the dice and playing cards every three (3) months. The results of the physical inventory shall be set forth on forms prescribed by the commission. The inventory maintained in subsection (c) shall be reconciled with the results of the physical inventory. Any discrepancies in the inventory forms and the physical inventory shall be reported to the commission agent immediately. (*Indiana Gaming Commission; 68 IAC 14-3-5; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2270; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 14-3-6 Inspection of cards

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 6. (a) When playing cards are accepted for play at a live gaming device, the occupational licensee accepting the playing cards shall inspect the playing cards to ensure the playing cards comply with this rule.

(b) Playing cards shall be inspected by sorting the cards sequentially by suit and inspecting the sides of the cards for crimps, bends, cuts, shaving, or any other defect that would affect the integrity or fairness of the game. (*Indiana Gaming Commission; 68 IAC 14-3-6; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2271; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 14-3-7 Inspection of dice

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 7. (a) Before dice are placed into play at a live gaming device, the pit boss or the equivalent shall inspect the dice to ensure the dice comply with this rule.

(b) Dice shall be inspected by the following methods on a flat surface that allows the inspection of the dice to be monitored by the surveillance system:

- (1) A micrometer or any other approved instrument that performs the same function.
- (2) A balancing caliper.
- (3) A steel set square and magnet.

(c) The micrometer or other approved instrument, the balancing caliper, and the steel set square and magnet should be stored in a secure place not accessible by the public. (*Indiana Gaming Commission; 68 IAC 14-3-7; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2271; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 14-3-8 Card and dice removal and cancellation logs

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 8. (a) Each riverboat licensee must maintain a log in the pit area containing information about card and dice removal and transfer to the card and dice cancellation room. Such log shall track the following information:

- (1) The date.
- (2) The number of decks of cards removed from play.
- (3) The number of individual dice removed from play.
- (4) Game from which the cards or dice were removed.
- (5) Printed name, signature, and license number of the pit manager responsible for removal.

(b) Each riverboat licensee must maintain a log in the card and dice cancellation room to track information about card and dice removal and cancellation. The following information shall be contained in that log:

- (1) Date received in cancellation room.
- (2) Number of decks of cards received.
- (3) Number of individual dice received.
- (4) Printed name, signature and occupational license number of occupational licensee accepting receipt of cards or dice.
- (5) Date of destruction.
- (6) Number of decks of cards destroyed.
- (7) Number of individual dice destroyed.
- (8) Printed name, signature and occupational license number of the individual responsible for destruction.
- (9) Inventory of uncanceled cards and uncanceled dice in the cancellation room.

(Indiana Gaming Commission; 68 IAC 14-3-8; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1067; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

Rule 4. Chip Specifications

68 IAC 14-4-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees and riverboat license applicants.

(b) As used in this rule, "commission agent" means one (1) of the members of the Indiana state police department who is assigned to work with the commission's gaming enforcement section who is on duty.

(c) The riverboat licensee shall allow patrons to game at a live gaming device with value chips or nonvalue chips, or both.

(Indiana Gaming Commission; 68 IAC 14-4-1; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2271; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 14-4-2 Submission and approval of chips

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) Riverboat licensees or riverboat license applicants shall have each denomination of value and color of nonvalue chips in both the primary and secondary sets of chips approved. Riverboat licensees shall not utilize, or allow to be utilized, a chip that has not been approved by the executive director.

(b) The approval process shall be as follows:

(1) Riverboat licensees or riverboat license applicants shall submit a detailed schematic of its proposed chips, at least ninety (90) days before the commencement of gambling operations or the utilization of proposed chips. The schematic shall be a true rendering of the actual chip and shall show the following characteristics of the chip:

- (A) The actual size of the chip.
- (B) The actual color of the chip.
- (C) The front of the chip.
- (D) The back of the chip.
- (E) The edge of the chip.
- (F) The diameter and thickness of any logo, design, or wording to be contained on the chip.

The executive director shall, in writing, approve or disapprove the detailed schematic of the proposed chip within twenty (20) days of its submission.

(2) After the riverboat licensee or riverboat license applicant has received approval of a detailed schematic of a proposed chip, the riverboat licensee or riverboat license applicant shall submit a sample of each denomination of value chip and each color of nonvalue chip to the executive director for approval. The sample chip shall be submitted no less than sixty (60) days prior to the commencement of gambling operations or the utilization of the proposed chip. The executive director shall, in writing,

approve or disapprove the proposed chip within twenty (20) days of its submission.
(Indiana Gaming Commission; 68 IAC 14-4-2; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2271; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 14-4-3 Primary, secondary, and reserve sets of chips

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) Each riverboat licensee shall have the following sets of chips:

- (1) A primary set of value chips.
- (2) A secondary set for all denominations of value chips. The secondary set of value chips shall consist of at least fifty percent (50%) of the quantity of value chips for each denomination.
- (3) A primary set of nonvalue chips.
- (4) A reserve set for all colors of nonvalue chips.

Each set of chips shall be approved by the executive director in accordance with section 2 of this rule and shall meet the specifications set forth in sections 4 and 5 of this rule.

(b) The secondary set of value chips shall be placed into active play only when the primary set is removed from play. The reserve set of nonvalue chips shall be placed into active play only when the primary set is removed from play.

(c) The primary set of value or nonvalue chips shall be removed from play if one (1) of the following occurs:

- (1) The riverboat licensee determines that the riverboat gambling operation is receiving a significant number of counterfeit chips.
- (2) The riverboat licensee discovers any impropriety or defect in the utilization of the primary set of chips that necessitates the removal of the primary chips.
- (3) The executive director or the commission deems removal of the primary chips necessary to ensure compliance with the Act and this title.

(d) If a primary set of chips is removed from active play, the riverboat licensee shall immediately notify the commission agent. The riverboat licensee shall file a written report with the executive director within two (2) business days setting forth the following information:

- (1) The date and time primary chips were removed from active play.
- (2) The reason necessitating the removal of the primary chips from active play.
- (3) Any other information deemed necessary by the executive director or the riverboat licensee to ensure compliance with the Act and this title.

(Indiana Gaming Commission; 68 IAC 14-4-3; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2272; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 14-4-4 Specifications for and denominations of value chips

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) All value chips utilized and issued by a riverboat licensee must meet the following specifications or requirements:

- (1) Must be round in shape.
- (2) Must have clearly and permanently impressed, engraved, imprinted, or inlaid in the center of the chip the following:
 - (A) The name of the riverboat licensee.
 - (B) The location of the riverboat.
 - (C) The name or a distinctive mark that identifies the manufacturer of the chip. The name of the manufacturer or the distinctive mark may be invisible to the naked eye.
- (3) Must clearly state the face value of the chip.
- (4) Each denomination of value chip shall possess the following characteristics:
 - (A) Have its center portion of a different size, shape, or design from each other denomination.
 - (B) Be designed so that the specific denomination of each value chip can be determined when placed in a stack of value

chips of various denomination when viewed on a closed circuit black and white television.

(C) Be designed, manufactured, and constructed in a manner not conducive to the counterfeiting of value chips.

(5) Each denomination shall have a primary color different from other denominations of value chips. Value chips may be issued in the following denominations and primary colors:

- (A) Fifty cents (\$0.50), mustard yellow.
- (B) One dollar (\$1), white.
- (C) Two dollars and fifty cents (\$2.50), pink.
- (D) Five dollars (\$5), red.
- (E) Twenty dollars (\$20), yellow.
- (F) Twenty-five dollars (\$25), green.
- (G) One hundred dollars (\$100), black.
- (H) Five hundred dollars (\$500), purple.
- (I) One thousand dollars (\$1,000), fire orange.
- (J) Five thousand dollars (\$5,000), gray.

Value chips shall fall within the appropriate primary colors when viewed both in daylight and under incandescent light. In conjunction with the appropriate primary colors, the riverboat licensee shall utilize contrasting secondary colors for the edge spots of each denomination of value chip. No riverboat licensee shall use a secondary color on a specific denomination of a chip that is identical to the secondary color used on the same denomination of chip by another riverboat licensee.

(6) Denominations of value chips that are one thousand dollars (\$1,000) or higher must be physically larger than value chips of smaller denominations.

(7) The riverboat licensee shall use a secondary color different from that used on the primary value chip for the secondary set of value chips.

(b) Riverboat licensees or riverboat license applicant shall determine the denomination of value chips to be utilized and the amount of each denomination of value chips that the riverboat licensee will utilize. (*Indiana Gaming Commission; 68 IAC 14-4-4; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2272; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 14-4-5 Promotional chips

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. (a) Riverboat licensees may utilize promotional chips.

(b) Promotional chips must meet the specifications set forth in section 4 of this rule. Promotional chips must be of a size, shape, or both, that is distinctly dissimilar from the value chips in the riverboat licensee's primary and secondary sets of value chips.

(c) Promotional chips that are used for tournaments must conspicuously bear the inscription "No Cash Value".

(d) Promotional chips must be submitted and approved by the executive director in accordance with section 2 of this rule.

(e) Promotional chips may not be used in transactions other than the promotion or tournament for which the promotional chip is issued. Riverboat licensees may not permit the use of promotional chips other than for the promotion or tournament for which the chip is issued.

(f) The provisions of 68 IAC 14-14 do not apply to promotional chips. (*Indiana Gaming Commission; 68 IAC 14-4-5; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2273; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 14-4-6 Specifications for nonvalue chips; issuance and redemption of nonvalue chips

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 6. (a) Riverboat licensees shall issue nonvalue chips only for the purpose of gaming at roulette tables.

(b) All nonvalue chips utilized and issued by a riverboat licensee shall meet the following specifications or requirements:

(1) Must be round in shape.

(2) Must have the name of the riverboat licensee permanently impressed, engraved, imprinted, or inlaid in the center of the chip.

(3) Must contain a design, insert, or symbol that differentiates it from the nonvalue chips being used at other roulette tables on the riverboat.

(4) Must have the word "Roulette" impressed, imprinted, inlaid, or hot-stamped on the nonvalue chip.

(5) Must be designed, manufactured, and constructed in a manner not conducive to the counterfeiting of nonvalue chips.

(c) Nonvalue chips that are issued at a roulette table shall be used for gaming only at that table and shall not be used for gaming at any other roulette table or live gaming device on the riverboat.

(d) The riverboat licensee and occupational licensees shall not allow a patron to remove nonvalue chips permanently from the roulette table from which the nonvalue chips were issued.

(e) No patron shall be issued or permitted to play with nonvalue chips that are identical in color and design to value chips or to nonvalue chips being used by another patron at the same roulette table. When a patron purchases nonvalue chips, a nonvalue chip of the same color shall be placed in a slot or receptacle attached to the outer rim of the roulette wheel. At the same time, a marker or the equivalent denoting the value of a stack of twenty (20) nonvalue chips of that color shall be placed in the same slot or receptacle.

(f) Nonvalue chips shall be presented for redemption only at the roulette table from which the nonvalue chips were issued. The riverboat licensee shall redeem nonvalue chips by exchanging the nonvalue chips for an equivalent amount of value chips.

(g) The riverboat licensee may permit, prohibit, or limit the use of value chips for gaming at a roulette table.

(h) The riverboat licensee shall have the responsibility of keeping an accurate account of the wagers that are made by patrons at each roulette table. (*Indiana Gaming Commission; 68 IAC 14-4-6; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2273; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 14-4-7 Authorized use of chips

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 7. Chips approved for issuance by a riverboat licensee shall be:

(1) issued to a patron upon payment therefor or in accordance with a complimentary distribution program approved by the executive director;

(2) capable of being accepted for play at a live gaming device on the riverboat; and

(3) redeemable by the patron in accordance with the Act and this title.

(*Indiana Gaming Commission; 68 IAC 14-4-7; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2273; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 14-4-8 Destruction of chips

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 8. (a) The riverboat licensee or riverboat license applicant shall notify the executive director, in writing, at least ten (10) days before value or nonvalue chips are destroyed. The riverboat licensee or riverboat license applicant shall notify the executive director of the following information:

(1) The date and time that the chips will be destroyed.

(2) The location at which the chips will be destroyed.

(3) The denomination, number, and amount of value chips that will be destroyed.

(4) The description and number of nonvalue chips that will be destroyed.

(5) A detailed explanation of the method of destruction.

(b) Unless otherwise approved by the executive director, at least two (2) people, one (1) of whom is an agent of the commission, shall be present when the chips are destroyed.

(c) The denomination, number, and amount of value chips destroyed shall be entered in the chip inventory ledger in accordance with 68 IAC 15-4.

(d) The description and number of nonvalue chips destroyed shall be entered in the chip inventory ledger in accordance with 68 IAC 15-4.

(e) Unless the executive director notifies the riverboat licensee or riverboat license applicant within five (5) days of the receipt of the letter set forth in subsection (a), the method of destruction will be deemed approved. (*Indiana Gaming Commission; 68 IAC 14-4-8; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2273; errata filed May 7, 1997, 4:00 p.m.: 20 IR 2413; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 5. Token Specifications

68 IAC 14-5-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees and riverboat license applicants.

(b) A riverboat licensee shall not allow tokens to be utilized for play in an electronic gaming device unless the token complies with this rule. (*Indiana Gaming Commission; 68 IAC 14-5-1; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2274; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 14-5-2 Submission and approval of tokens

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. (a) Riverboat licensees shall not utilize, or allow to be utilized, any token that has not been approved by the executive director.

(b) The approval process shall be as follows:

(1) Riverboat licensees or riverboat license applicants shall submit a detailed schematic of its proposed token at least ninety (90) days before the commencement of gambling operations or the utilization of a proposed token. The schematic shall be a true rendering of the actual token and shall show the following characteristics of the token:

- (A) The actual size of the token.
- (B) The front of the token.
- (C) The back of the token.
- (D) The edge of the token.
- (E) The diameter and thickness of any logo, design, or wording to be contained on the token.

The executive director shall, in writing, approve or disapprove the detailed schematic of the proposed token within twenty (20) days of its submission.

(2) After the riverboat licensee or riverboat license applicant has received approval of a detailed schematic of a proposed token, the riverboat licensee or riverboat license applicant shall submit a sample of the token to the executive director for approval. The sample token shall be submitted no less than sixty (60) days prior to the commencement of gambling operations or the utilization of the proposed token. The executive director shall, in writing, approve or disapprove the proposed token within twenty (20) days of receipt of its submission.

(*Indiana Gaming Commission; 68 IAC 14-5-2; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2274; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 14-5-3 Specifications for tokens

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 3. All tokens utilized and issued by a riverboat licensee must meet the following specifications or requirements:

- (1) Must be round in shape.
- (2) Must have clearly and permanently impressed, engraved, or imprinted thereon the following:
 - (A) The name of the riverboat licensee.
 - (B) The location of the riverboat.

(C) The name or a distinctive mark that identifies the manufacturer of the token. The name of the manufacturer or the distinctive mark may be invisible to the naked eye.

- (3) Must clearly state the face value of the token.
- (4) Must not be deceptively similar to any current or past coin issued by the United States or a foreign country.
- (5) Must contain the following statement: "Not Legal Tender".
- (6) Must not be of a size or shape or manufactured from material that possesses sufficient magnetic properties that allows it to be accepted by a coin accepting mechanism other than that of an electronic gaming device.
- (7) Must not be manufactured from a ferromagnetic material or from a three (3) layered material consisting of a copper-nickel alloy clad on both sides of a pure copper core or from a copper based alloy unless the total alloying metal of the following type exceeds twenty-five percent (25%) of the token's total weight:
 - (A) Zinc.
 - (B) Nickel.
 - (C) Aluminum.
 - (D) Magnesium.
 - (E) Other alloying material.

(8) Be designed, manufactured, and constructed in a manner not conducive to the counterfeiting of tokens.

(Indiana Gaming Commission; 68 IAC 14-5-3; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2274; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 14-5-4 Promotional tokens

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) Riverboat licensees may utilize promotional tokens.

(b) Promotional tokens must meet the specifications set forth in section 3 of this rule. Promotional tokens must be designed to be distinctly dissimilar from the tokens approved for use by the riverboat licensee in accordance with section 2 of this rule.

(c) Promotional tokens may not be used in transactions other than the promotion or tournament for which the promotional token is issued. Riverboat licensees may not permit the use of promotional tokens other than for the promotion or tournament for which the token is issued.

(d) Promotional tokens must be submitted and approved by the executive director in accordance with section 2 of this rule.

(e) Promotional tokens that may not be used in transactions other than the promotion or tournament for which the promotional token is issued. Riverboat licensees may not permit the use of promotional tokens other than for the promotion or tournament for which the token is issued.

(f) The provisions of 68 IAC 14-14 do not apply to promotional tokens. *(Indiana Gaming Commission; 68 IAC 14-5-4; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2275; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 14-5-5 Authorized use of tokens

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. Tokens approved for issuance by a riverboat licensee shall be:

(1) issued to a patron upon payment therefor or in accordance with a complimentary distribution program approved by the executive director;

(2) capable of insertion into an electronic gaming device on the riverboat to activate play;

(3) available as a payout from the hopper of an electronic gaming device; and

(4) redeemable by the patron in accordance with the Act and this title.

(Indiana Gaming Commission; 68 IAC 14-5-5; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2275; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 14-5-6 Destruction of tokens

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 6. (a) The riverboat licensee or riverboat license applicant shall notify the executive director, in writing, at least ten (10) days before tokens are destroyed. The riverboat licensee or riverboat license applicant shall notify the executive director of the following information:

- (1) The date and time that the tokens will be destroyed.
- (2) The location at which the tokens will be destroyed.
- (3) The denomination, number, and amount of tokens that will be destroyed.
- (4) A detailed explanation of the method of destruction.

(b) Unless otherwise approved by the executive director, at least two (2) people, one (1) of whom is an agent of the commission, shall be present when the tokens are destroyed.

(c) The denomination, number, and amount of tokens destroyed shall be entered in the token inventory ledger in accordance with 68 IAC 15-4.

(d) Unless the executive director notifies the riverboat licensee or riverboat license applicant within five (5) days of the receipt of the letter set forth in subsection (a), the method of destruction will be deemed approved. (*Indiana Gaming Commission; 68 IAC 14-5-6; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2275; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 6. Blackjack Tables

68 IAC 14-6-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) All blackjack table layouts utilized by riverboat licensees must comply with this article. (*Indiana Gaming Commission; 68 IAC 14-6-1; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3295; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 14-6-2 Blackjack table requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. (a) The table must meet the requirements set forth in 68 IAC 14-2.

(b) The blackjack table shall be covered with a cloth that meets the following requirements:

- (1) The name of the riverboat licensee shall be imprinted on the cloth.
- (2) One (1) side of the cloth shall be designated for players and the opposite side designated for the dealer.
- (3) The cloth shall have at least seven (7) areas designated for the placement of wagers.
- (4) The following inscriptions shall appear on the cloth:
 - (A) Blackjack pays 3 to 2.
 - (B) Dealer must draw to 16 and stand on all 17s.
 - (C) Insurance pays 2 to 1.

(5) The blackjack layout must have the name or a distinctive mark that identifies the manufacturer of the blackjack layout clearly and permanently affixed to the blackjack layout. The name of the manufacturer or distinctive mark may be invisible to the naked eye.

(6) Any other requirements deemed necessary by the executive director or the commission to ensure compliance with the Act and this title and to ensure the integrity of the games.

(*Indiana Gaming Commission; 68 IAC 14-6-2; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3295; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 7. Roulette Wheel and Table

68 IAC 14-7-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) All roulette wheels and roulette tables must comply with this article. (*Indiana Gaming Commission; 68 IAC 14-7-1; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3039; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 14-7-2 Roulette table requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) The roulette table must meet the requirements set forth in 68 IAC 14-2.

(b) Roulette shall be played on a table having a roulette wheel at one (1) end of the table and a roulette layout imprinted on the opposite end of the table.

(c) The roulette layout shall have spaces for placement of wagers on bets approved in accordance with 68 IAC 10-3.

(d) The roulette table shall be covered with a cloth that meets the following requirements:

(1) The name of the riverboat licensee shall be imprinted thereon.

(2) The name or a distinctive mark that identifies the manufacturer of the table shall be permanently affixed thereon. The name of the manufacturer or distinctive mark may be invisible to the naked eye.

(3) Any other requirements deemed necessary by the executive director or the commission to ensure:

(A) compliance with the Act and this title; and

(B) the integrity of the games.

(e) The roulette table shall display an external registration tag and number issued by the commission. (*Indiana Gaming Commission; 68 IAC 14-7-2; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3039; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 14-7-3 Roulette wheel requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) The roulette wheel shall meet the following requirements:

(1) The wheel shall be not less than thirty (30) inches in diameter.

(2) The name of the riverboat licensee imprinted thereon.

(3) The name or a distinctive mark that identifies the manufacturer of the wheel shall be permanently affixed thereon. The name of the manufacturer or distinctive mark may be invisible to the naked eye.

(b) Each roulette wheel shall be of a single zero (0) variety or a double zero (00) variety as described and depicted as follows:

(1) The single zero (0) roulette wheel shall meet the following characteristics:

(A) Each single zero (0) roulette wheel shall have thirty-seven (37) equally spaced pockets around the wheel where the roulette ball shall come to rest.

(B) The roulette wheel shall have a ring of thirty-seven (37) equally spaced areas to correspond to the position of the pockets with one (1) marked zero (0) and colored green and the others marked one (1) to thirty-six (36) and colored alternately red and black, which numbers shall be arranged around the wheel as approved by the commission. The color of each pocket shall either be a corresponding color to those depicted on the ring or a neutral color as approved by the commission.

(2) The double zero (00) roulette wheel shall meet the following characteristics:

(A) Each double zero (00) roulette wheel shall have thirty-eight (38) equally spaced pockets around the wheel where the roulette ball shall come to rest.

(B) The roulette wheel shall have a ring of thirty-eight (38) equally spaced areas to correspond to the position of the

pockets with one (1) marked zero (0) and colored green, one (1) marked double zero (00) and colored green, and others marked one (1) to thirty-six (36) and colored alternately red and black, which numbers shall be arranged around the wheel as approved by the commission. The color of each pocket shall either be a corresponding color to those depicted on the ring or a neutral color as approved by the commission.

- (c) A double zero (00) roulette wheel may be used as a single zero (0) roulette wheel, provided the following:
 - (1) If a double zero (00) roulette table layout is used, the "00" wager above on the layout is obscured with a cover or other approved device that clearly indicates that such a wager is not available.
 - (2) Appropriate signage is posted at the roulette table to notify players as follows:
 - (A) A double zero (00) roulette wheel is being used as a single zero (0) roulette wheel, and that double zero (00) is not an available wager.
 - (B) If the roulette ball comes to rest around the wheel in a compartment marked double zero (00), the spin will be declared void and the wheel will be respun.
 - (C) Wagers on the following bets shall be lost if the roulette ball comes to rest in a compartment marked zero (0):
 - (i) Red bet.
 - (ii) Black bet.
 - (iii) Odd bet.
 - (iv) Even bet.
 - (v) Eighteen (18) numbers bet.
 - (d) The roulette wheel shall display an external registration tag and number issued by the commission.
 - (e) Any other requirements deemed necessary by the executive director or the commission to ensure:
 - (1) compliance with the Act and this title; and
 - (2) the integrity of the games.

(Indiana Gaming Commission; 68 IAC 14-7-3; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3039; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 14-7-4 Inspection of roulette table and wheel

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) Prior to the initial use of the roulette wheel at a roulette table, the wheel shall be inspected and balanced by or in the presence of a commission agent using a balancing level.

(b) Prior to opening a roulette table for gaming activity each gaming day, the pit boss or the equivalent shall inspect the roulette table and roulette wheel to ensure compliance with this rule.

(c) The pit boss or the equivalent shall inspect the following:

- (1) The wheel for any magnet or contrivance that would affect the integrity or fairness of the game.
- (2) The wheel with the use of a level to verify the wheel is balanced and rotating freely and evenly.
- (3) All parts to ensure that they are secure and free from movement.
- (4) The roulette ball by passing it over a magnet or compass to ensure its nonmagnetic quality.
- (5) The layout and signage to ensure compliance with 68 IAC 14-3-3(c) if a double zero (00) roulette wheel is being used as a single zero (0) roulette wheel.

(d) A log documenting the daily inspection of the roulette wheel shall be maintained by the riverboat licensee. The daily inspection log shall, at a minimum, contain the following information:

- (1) The name and occupational license number of the pit boss or the equivalent completing the inspection.
- (2) The date.
- (3) The roulette wheel number.
- (4) The results of the inspection.

(e) If a riverboat licensee uses a roulette wheel that has external movable parts, any adjustments to the movable parts shall be made by the pit boss or the equivalent, in the presence of a commission agent. Adjustments to the movable parts of a roulette wheel that is located on the live gaming floor shall be made only:

- (1) when the riverboat licensee is not open to the public; or

(2) if the roulette wheel is moved to a secure location outside the riverboat as approved by the executive director or the commission.

(f) All adjustments shall be completed prior to the required inspections in subsection (a).

(g) The riverboat licensee may replace any of the movable parts at any time, provided, however, if any one (1) or more of the movable parts are external, then an inspection must be completed by the commission agent prior to reopening the roulette wheel and table for gaming activity.

(h) A log documenting all adjustment, repairs, or replacement of parts of the roulette wheel, roulette balls, or both, shall be maintained, including, at a minimum, the following:

(1) The name of the pit boss or the equivalent completing the inspection.

(2) The name of the commission agent present during the inspection.

(3) The date.

(4) The roulette table number.

(5) Whether an adjustment or replacement was completed.

(6) The signature of the person making the adjustment or replacement.

(i) The log shall be available for inspection by the commission agent and the executive director or the commission upon request.

(j) The riverboat licensee shall immediately notify the commission agent upon the discovery of a wheel that has been compromised and declare the wheel out of play.

(k) The riverboat licensee shall notify the executive director, in writing, within ten (10) days after discovery of a wheel that has been compromised.

(l) When a roulette table is not open for gaming activity, the roulette wheel shall be secured by placing a cover over the entire wheel and securely locking the cover to the roulette table.

(m) The riverboat licensee shall secure the magnet, compass, level, or any other approved instrument in a place not accessible by the public, and make the location known to the commission agent and the executive director. (*Indiana Gaming Commission; 68 IAC 14-7-4; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3040; filed Jul 10, 2000, 4:48 p.m.: 23 IR 3069; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 14-7-5 Roulette balls

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. The roulette balls shall be made completely of a nonmetallic substance. (*Indiana Gaming Commission; 68 IAC 14-7-5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3040; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 8. Craps Table

68 IAC 14-8-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) All craps table layouts utilized by riverboat licensees must comply with this article. (*Indiana Gaming Commission; 68 IAC 14-8-1; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3040; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 14-8-2 Craps table requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) The table must meet the requirements set forth in 68 IAC 14-2.

(b) The craps table shall be oblong in shape with rounded corners and high walled sides.

- (c) The craps layout shall have spaces for placement of wagers on bets approved in accordance with 68 IAC 10-4.
- (d) The craps table shall be covered with a cloth that meets the following requirements:
 - (1) The name of the riverboat licensee shall be imprinted on the cloth.
 - (2) The name or a distinctive mark that identifies the manufacturer shall be permanently affixed to the table layout. The name of the manufacturer or distinctive mark may be invisible to the naked eye.
- (e) The craps table must have the actual payout odds utilized by the riverboat licensee in accordance with 68 IAC 10-4 imprinted thereon.
- (f) The craps table shall display an external registration tag and number issued by the commission.
- (g) The craps table must meet any other requirements deemed necessary by the executive director or the commission to ensure compliance with the Act and this title and to ensure the integrity of the game. (*Indiana Gaming Commission; 68 IAC 14-8-2; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3041; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 9. Big Six Wheel and Table

68 IAC 14-9-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) All Big Six table layouts and wheels utilized by riverboat licensees must comply with this article. (*Indiana Gaming Commission; 68 IAC 14-9-1; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3041; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 14-9-2 Big Six table requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. (a) The table must meet the requirements set forth in 68 IAC 14-2-2.

(b) The Big Six table shall be covered with a cloth that meets the following requirements:

- (1) The name of the riverboat licensee shall be imprinted on the cloth.
- (2) The name or a distinctive mark that identifies the manufacturer of the Big Six layout clearly and permanently affixed thereon. The name of the manufacturer or distinctive mark may be invisible to the naked eye.
- (3) The following insignias shall appear on the cloth for the placement of wagers:
 - (A) A one dollar (\$1) bill.
 - (B) A two dollar (\$2) bill.
 - (C) A five dollar (\$5) bill.
 - (D) A ten dollar (\$10) bill.
 - (E) A twenty dollar (\$20) bill.
 - (F) A joker.
 - (G) Any logo or design approved by the executive director. The logo or design shall be submitted no less than sixty (60) days prior to the commencement of gambling operations or the utilization of the Big Six wheel. The executive director shall, in writing, approve or disapprove the proposed logo or design within twenty (20) days of its submission.
- (c) The Big Six layout shall have spaces for placement of wagers on bets approved in accordance with 68 IAC 10-5.
- (d) The Big Six table shall display an external registration tag and number issued by the commission.
- (e) Any other requirements deemed necessary by the executive director or the commission to ensure:
 - (1) compliance with the Act and this title; and
 - (2) the integrity of the games.

(*Indiana Gaming Commission; 68 IAC 14-9-2; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3041; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 14-9-3 Big Six wheel requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) The Big Six wheel shall meet the following requirements:

- (1) Circular in shape.
- (2) No less than five (5) feet in diameter.
- (3) The rim shall be divided into fifty-four (54) equally spaced sections covered with glass:
 - (A) twenty-three (23) sections shall contain a one dollar (\$1) bill or insignia;
 - (B) fifteen (15) sections shall contain a two dollar (\$2) bill or insignia;
 - (C) eight (8) sections shall contain a five dollar (\$5) bill or insignia;
 - (D) four (4) sections shall contain a ten dollar (\$10) bill or insignia;
 - (E) two (2) sections shall contain a twenty dollar (\$20) bill or insignia;
 - (F) one (1) section shall contain a picture of a joker; and
 - (G) one (1) section shall contain a logo or design approved by the executive director in accordance with 68 IAC 14-1.
- (b) The Big Six wheel shall display an external registration tag and number issued by the commission.
- (c) Any other requirements deemed necessary by the executive director or the commission to ensure:
 - (1) compliance with the Act and this title; and
 - (2) the integrity of the games.

(Indiana Gaming Commission; 68 IAC 14-9-3; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3041; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 14-9-4 Inspection of Big Six table and wheel

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) Prior to opening a Big Six table for gaming activity, the pit boss or the equivalent shall inspect the Big Six table and wheel to ensure compliance with this rule.

- (b) The pit boss or the equivalent shall inspect the following:
 - (1) The wheel for any contrivance that would affect the integrity or fairness of the game.
 - (2) The wheel to verify it is balanced and rotating freely and evenly.
 - (3) All parts to ensure that they are secure and free from movement.

(c) The riverboat licensee shall notify the commission agent and the executive director immediately upon the discovery of a wheel that has been compromised.

(d) When the Big Six table is not open for gaming activity, the Big Six wheel shall be secured in a manner approved by the executive director in accordance with 68 IAC 14-1. *(Indiana Gaming Commission; 68 IAC 14-9-4; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3042; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

Rule 10. Caribbean Stud Poker Table

68 IAC 14-10-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) All Caribbean Stud Poker table layouts utilized by riverboat licensees must comply with this article. *(Indiana Gaming Commission; 68 IAC 14-10-1; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3042; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 14-10-2 Caribbean Stud Poker table requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) The table must meet the requirements set forth in 68 IAC 14-2.

(b) The Caribbean Stud Poker table shall be covered with a cloth that meets the following requirements:

(1) The patented name of Caribbean Stud Poker shall be imprinted on the cloth.

(2) One (1) side of the cloth shall be designated for players and the opposite side designated for the dealer.

(3) The cloth shall have at least seven (7) areas designated for the placement of wagers on bets approved in accordance with 68 IAC 10-6.

(4) The table shall have at least seven (7) token-in slots for participation in the progressive jackpot corresponding with the placement of the table wagers.

(5) An inscription reading "Dealer only plays with Ace/King or higher" shall appear on the cloth.

(6) The rules concerning the operation of the game, including minimum and maximum wagers, payoffs, and the winning hands that qualify for a portion of the progressive jackpot, shall be posted at the table for public inspection.

(7) The name of the riverboat licensee shall be imprinted on the cloth.

(c) The Caribbean Stud Poker table shall have a meter to display the current amount in the progressive jackpot.

(d) The Caribbean Stud Poker table shall have lights or some other mechanism that will signify which players, if any, inserted the appropriate token to participate in the progressive game.

(e) Any other requirements deemed necessary by the executive director or the commission to ensure:

(1) compliance with the Act and this title; and

(2) the integrity of the games.

(Indiana Gaming Commission; 68 IAC 14-10-2; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3042; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1067; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

Rule 11. Let It Ride

68 IAC 14-11-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) All Let It Ride table layouts utilized by riverboat licensees must comply with this article. *(Indiana Gaming Commission; 68 IAC 14-11-1; filed Jun 1, 1998, 2:53 p.m.: 21 IR 3709; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 14-11-2 Table requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) The table must meet the requirements set forth in 68 IAC 14-2.

(b) The Let It Ride table shall be covered with a cloth that meets the following requirements:

(1) The patented name of Let It Ride shall be imprinted on the cloth.

(2) One (1) side of the cloth shall be designated for players and the opposite side designated for the dealer.

(3) The cloth shall have no more than eight (8) areas designated for the placement of the three (3) wagers a player must initially place in accordance with 68 IAC 10-7.

(4) If the Let It Ride bonus feature is offered at the Let It Ride table, there must be no more than eight (8) sensors that correspond with the placement of table wagers. The sensors are for the side bet to be placed on and for participation in the bonus feature.

(5) A designated area located in front of the dealer for the placement of the community cards.

(6) The rules concerning the operation of the game, including minimum and maximum wagers, payoffs or payoff odds, and

the winning hands that qualify for the bonus payment, shall be posted at the table for public inspection.

(7) The name of the riverboat licensee shall be imprinted on the cloth.

(c) The Let It Ride table that offers the bonus feature must have sensor lights that are visible to the following:

(1) The players.

(2) The dealer.

(3) The surveillance system and surveillance personnel.

The sensor lights must signify which players, if any, placed the one dollar (\$1) token to participate in the bonus feature.

(d) Any other requirements deemed necessary by the executive director or the commission to ensure:

(1) compliance with the Act and this title; and

(2) the integrity of the games.

(Indiana Gaming Commission; 68 IAC 14-11-2; filed Jun 1, 1998, 2:53 p.m.: 21 IR 3710; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1068; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

Rule 12. Caribbean Draw Poker

68 IAC 14-12-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) All Caribbean Draw Poker tables utilized by riverboat licensees must comply with this article. *(Indiana Gaming Commission; 68 IAC 14-12-1; filed Jun 1, 1998, 3:40 p.m.: 21 IR 3710; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 14-12-2 Table requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) The Caribbean Draw Poker table must meet the requirements set forth in 68 IAC 14-2.

(b) The Caribbean Draw Poker table shall be covered with a cloth that meets the following requirements:

(1) The patented name of Caribbean Draw Poker shall be imprinted on the cloth.

(2) One (1) side of the cloth shall be designated for players and the opposite side designated for the dealer.

(3) The cloth shall have no more than eight (8) designated areas for the placement of a wager by a player in accordance with 68 IAC 10-8.

(4) The table shall have no more than eight (8) token-in slots for participation in the progressive jackpot corresponding with the placement of the table wagers.

(5) An inscription reading "Dealer only plays with pair of eights or higher" shall appear on the cloth.

(6) The rules concerning the operation of the game, including minimum and maximum wagers, payoffs or payoff odds, and the winning hands that qualify for the portion of the progressive jackpot, shall be posted at the table for public inspection.

(7) The name of the riverboat licensee shall be imprinted on the cloth.

(c) The Caribbean Draw Poker table shall have a meter to display the current amount in the progressive jackpot.

(d) The Caribbean Draw Poker table that offers the progressive feature must have sensor lights that are visible to the following:

(1) The players.

(2) The dealer.

(3) The surveillance system and surveillance personnel.

The sensor lights must signify which players, if any, inserted the appropriate token to participate in the progressive portion of the game.

(e) Any other requirements deemed necessary by the executive director or the commission to ensure:

(1) compliance with the Act and this title; and

(2) the integrity of the games.

(Indiana Gaming Commission; 68 IAC 14-12-2; filed Jun 1, 1998, 3:40 p.m.: 21 IR 3710; errata filed Aug 12, 1998, 3:59 p.m.: 22 IR 125; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1068; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

Rule 13. (Reserved)

Rule 14. (Reserved)

Rule 15. (Reserved)

Rule 16. Destruction of Counterfeit Chips and Tokens

68 IAC 14-16-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees and riverboat license applicants.

(b) As used in this rule, "counterfeit chips or tokens" means any chip-like or token-like objects that have not been approved under this article, including objects commonly referred to as slugs. *(Indiana Gaming Commission; 68 IAC 14-16-1; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3304; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 14-16-2 Notice of counterfeit chips and tokens

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. (a) The riverboat licensee or riverboat license applicant shall notify the commission agent and the executive director immediately upon the discovery of a counterfeit chip or token.

(b) The executive director or the commission agent may take possession of the counterfeit chip or token.

(c) The executive director shall determine the disposition of any counterfeit chip or token, including, but not limited to, destruction of a counterfeit chip or token in accordance with section 3 of this rule. *(Indiana Gaming Commission; 68 IAC 14-16-2; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3304; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 14-16-3 Destruction of counterfeit chips and tokens

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 3. (a) Unless the executive director, the commission, a commission agent, or a law enforcement officer instructs or a court of competent jurisdiction orders otherwise in a particular case, a riverboat licensee shall destroy or otherwise dispose of counterfeit chips and tokens discovered on the riverboat in a manner approved by the executive director in accordance with subsection (c).

(b) Unless the executive director, the commission, a commission agent, or a law enforcement officer instructs or a court of competent jurisdiction orders otherwise in a particular case, a riverboat licensee may dispose of coins of the United States or any other nation discovered to have been incorrectly used on the riverboat or in the case of foreign coins, by exchanging them for United States currency or coins and including same in their currency, or by disposing of them in any other lawful manner.

(c) The riverboat licensee or riverboat license applicant shall notify the executive director, in writing, at least thirty (30) days before counterfeit chips or tokens are destroyed. The riverboat licensee or riverboat license applicant shall notify the executive director of the following information:

- (1) The number and denominations, actual and purported, of the coins and counterfeit chips and tokens destroyed or otherwise disposed of under this rule.
- (2) The date on which they were discovered.
- (3) The date, place, and method of destruction or other disposition, including, in the case of foreign coin exchanges, the exchange rate and the identity of the bank, exchange company, or other business or person at which or with whom the coins

are exchanged.

(4) The names of the occupational licensees carrying out the destruction or other disposition on behalf of the riverboat licensee or riverboat licensee applicant.

(5) Any other information deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(d) Unless otherwise approved by the executive director, at least two (2) people, one (1) of whom is an agent of the commission, shall be present when the counterfeit chips or tokens are destroyed.

(e) Unless the executive director notifies the riverboat licensee or riverboat license applicant within thirty (30) days of the receipt of the letter set forth in subsection (c), the method of destruction will be deemed approved.

(f) Each riverboat licensee or riverboat licensee applicant shall maintain records required by this rule for at least five (5) years. (*Indiana Gaming Commission; 68 IAC 14-16-3; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3304; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

ARTICLE 15. ACCOUNTING RECORDS AND PROCEDURES

Rule 1. General Provisions

68 IAC 15-1-1 Applicability; general provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees and riverboat license applicants.

(b) The following definitions apply throughout this article:

(1) "Commission agent" means one (1) of the members of the Indiana state police department who is assigned to work with the commission and who is on duty.

(2) "Internal auditor" means an individual employed by the riverboat licensee or an affiliate to perform audits of gaming and nongaming operations to ensure:

(A) proper accounting department controls; and

(B) adherence to the Act and this title.

(3) "Security department" means the individuals employed by the riverboat licensee to provide security services for the riverboat gambling operation.

(c) Unless otherwise specified, all riverboat licensees and riverboat license applicants shall maintain all accounting records for a period of five (5) years within the state of Indiana. (*Indiana Gaming Commission; 68 IAC 15-1-1; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3042; filed Jun 1, 1998, 2:30 p.m.: 21 IR 3707; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-1-2 Purpose

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. The purpose of the accounting records and procedures is to ensure the following:

(1) The assets of the riverboat licensee or riverboat license applicant are safeguarded.

(2) The financial records of the riverboat licensee or riverboat license applicant are accurate and reliable.

(3) The transactions of the riverboat licensee or riverboat license applicant are performed only in accordance with the specific or general authorization of the Act and this title.

(4) The transactions are recorded adequately to permit the proper recording of the adjusted gross receipts, admission fees, and all applicable taxes.

(5) That accountability for assets is maintained in accordance with generally accepted accounting principles.

(6) That only authorized personnel have access to assets.

(7) That recorded accountability for assets is compared with actual assets at reasonable intervals and appropriate action is taken with respect to any discrepancies.

(8) That:

- (A) the functions, duties, and responsibilities are appropriately segregated and performed in accordance with sound practices by competent, qualified personnel; and
- (B) no employee of the riverboat licensee is in a position to perpetuate and conceal errors or irregularities in the normal course of the employee's duties.

(9) That gaming is conducted with integrity and in accordance with the Act and this title.

(Indiana Gaming Commission; 68 IAC 15-1-2; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3043; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 15-1-3 Submission and approval of accounting records

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33; IC 5-14

Sec. 3. (a) At various times throughout this article, the riverboat licensee or riverboat license applicant will be required to submit policies and procedures for accounting records to the commission. The accounting records must be submitted in accordance with this rule.

(b) All accounting records must comply with the provisions of the Act and this title.

(c) Submissions of policies and procedures for accounting records shall be handled in the following manner:

(1) When called for in this article, the riverboat license applicant shall submit the policies and procedures for accounting records to the executive director at least sixty (60) days prior to the commencement of gaming operations.

(2) The executive director shall, in writing, approve the policies and procedures for accounting records, in total or in part.

(3) Any portion of the policies and procedures for accounting records not approved by the executive director shall be revised and resubmitted by the riverboat license applicant within the time period established by the executive director. This method shall be followed until all portions of the policies and procedures for accounting records have been approved, or approval cannot be obtained.

(4) None of the policies and procedures for accounting records may be utilized by a riverboat license applicant or a riverboat licensee unless the policies and procedures for accounting records have been approved, in writing, by the executive director.

(d) The riverboat license applicant or riverboat licensee shall stamp or otherwise mark each page of its policies and procedures for accounting records submitted to the commission with the word "CONFIDENTIAL" if the material submitted is not subject to disclosure under IC 4-33 or IC 5-14, or both. The riverboat license applicant or riverboat licensee shall, at the request of the executive director or the commission, provide a justification explaining the confidential nature of the policies and procedures.
(Indiana Gaming Commission; 68 IAC 15-1-3; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3043; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 15-1-4 Accounting records; amendments

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. Amendments to the policies and procedures for accounting records shall be handled in the following manner:

(1) Amendments to any portion of the policies and procedures for accounting records must be submitted to the executive director at least forty-five (45) days prior to the utilization of the policies and procedures for accounting records.

(2) The executive director shall, in writing, approve the amendment to the accounting records.

(3) No amendment to policies and procedures for accounting records may be utilized by a riverboat license applicant or riverboat licensee unless the amendment to the policies and procedures for accounting records has been approved, in writing, by the executive director.

(4) The riverboat licensee shall advise the executive director of any change in an event scheduled to occur in conjunction with this article at least twenty-four (24) hours before the change is instituted. If the time of the scheduled event has to be altered due to an emergency, the riverboat licensee shall notify the commission agent, in writing, immediately, and provide a written explanation for the change to the executive director within twenty-four (24) hours.

(Indiana Gaming Commission; 68 IAC 15-1-4; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3043; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

26 IR 1261)

68 IAC 15-1-4.1 Found cash equivalents

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4.1. Unless otherwise provided in this title, if an occupational licensee finds chips, tokens, cash, or cash equivalent on the riverboat, the occupational licensee must turn the chips, tokens, cash, or cash equivalent into the appropriate area of the main bank of the riverboat licensee. The riverboat licensee shall maintain the chips, tokens, cash, or cash equivalent for a period of at least twenty (20) days to determine if a patron will claim the chips, tokens, cash, or cash equivalent. If the chips, tokens, cash, or cash equivalents are not claimed by a patron, the riverboat licensee shall institute one (1) of the following policies with respect to unclaimed chips, tokens, cash, or cash equivalents turned in by occupational licensees:

(1) If the chips, tokens, cash, or cash equivalents are not claimed by a patron, the chips, tokens, cash, or cash equivalent must be included in the drop on the gaming day the waiting period expires.

(2) The riverboat licensee shall handle the chips, tokens, cash, or cash equivalent not claimed by a patron in accordance with a policy submitted by the riverboat licensee to the regional audit administrator for the commission and that has been approved by the executive director.

The riverboat licensee must disseminate this rule to all occupational licensees employed by the riverboat licensee or occupational licensees employed by another company but assigned to perform their duties at the riverboat licensee's riverboat gambling operation. (*Indiana Gaming Commission; 68 IAC 15-1-4.1; filed Jan 6, 1999, 4:25 p.m.: 22 IR 1423; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-1-5 Emergency procedures

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. (a) In the event of an emergency, the riverboat licensee may amend the policies and procedures for accounting records. The commission agent must concur that an emergency exists prior to the amendment of the policies and procedures for accounting records.

(b) The riverboat licensee shall report any emergency amendment to the policies and procedures for accounting records to the commission agent immediately.

(c) The riverboat licensee shall submit a description of the amendment to the policies and procedures for accounting records and the circumstances necessitating the amendment within ten (10) business days of the amendment to the executive director.

(d) As soon as the circumstances necessitating the emergency amendment to the policies and procedures for accounting records abate, the riverboat licensee shall resume compliance with the approved policies and procedures for accounting records. (*Indiana Gaming Commission; 68 IAC 15-1-5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3044; errata filed Oct 23, 1996, 12:00 p.m.: 20 IR 760; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-1-6 Compliance with article

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 6. (a) Riverboat licensees and riverboat license applicants must conduct all operations in accordance with the Act, this article, and policies and procedures for accounting records that have been approved, in writing, by the executive director.

(b) Failure to comply with this article may result in the initiation of a disciplinary action under 68 IAC 13. (*Indiana Gaming Commission; 68 IAC 15-1-6; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3044; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-1-7 Waiver of requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 7. The executive director or the commission may waive, alter, or restrict any procedure or requirement set forth in this rule if the executive director or the commission determines the following:

- (1) The requirement or procedure is impractical or burdensome and the waiver, alteration, or restriction is in the best interest of the public and the gaming industry.
- (2) The waiver of the requirement or procedure is not outside the technical requirements necessary to serve the purpose of the requirement or the procedure.

(Indiana Gaming Commission; 68 IAC 15-1-7; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3044; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 15-1-8 Reports by the executive director

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33; IC 5-14-1.5-6.1

Sec. 8. The executive director shall report any action he or she has taken or contemplates taking under this article to the commission at the next meeting held under 68 IAC 2-1-5 or an executive session held under IC 5-14-1.5-6.1. The commission may direct the executive director to take additional or different action. *(Indiana Gaming Commission; 68 IAC 15-1-8; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3044; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

Rule 2. Currency Transaction Reports and Multiple Transaction Logs

68 IAC 15-2-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to riverboat licensees and occupational licensees.

(b) The following definitions apply throughout this rule:

(1) "Commission agent" means one (1) of the members of the Indiana state police department who is assigned to work for the commission's gaming enforcement section and who is on duty.

(2) "Security department" means the individuals employed by the riverboat licensee to provide security services for the riverboat gambling operation.

(c) The riverboat licensee shall establish procedures for tracking and reporting cash transactions or a series of cash transactions, that occur in the same gaming day, in excess of three thousand dollars (\$3,000).

(d) The riverboat licensee shall establish procedures for reporting cash transactions made by a gaming patron during a twenty-four (24) hour period that exceed ten thousand dollars (\$10,000) on a currency transaction report. The report shall be filed with the Internal Revenue Service within fifteen (15) days of the transaction occurring and a copy shall be filed simultaneously with the commission agent. Currency transaction reports shall be filed for any single transaction or a series of related multiple transactions with the same directional flow.

(e) Compliance with this rule does not release the riverboat licensee from its obligation to comply with all applicable state and federal regulations. *(Indiana Gaming Commission; 68 IAC 15-2-1; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3327; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 15-2-2 Cash transactions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) Cash transactions involving cash in or cash out in excess of ten thousand dollars (\$10,000) must be reported by occupational licensees. The information to be reported shall include, but is not limited to, the information that is required by 31 U.S.C. 5313 and 31 CFR 103.

(b) In addition to filing copies of the cash transactions with the Internal Revenue Service and the commission agent in accordance with section 1(d) of this rule, the riverboat licensee shall simultaneously file copies of the cash transactions with the

commission office in Indianapolis, Indiana. The copies of the cash transaction reports submitted to the commission and the commission agent shall be accompanied by a cover letter that identifies the riverboat licensee that is submitting the copies and the time period that is covered by the copies of the cash transactions. The riverboat licensee shall also prepare and submit to the commission and the commission agent a summary of the cash transaction reports that are being submitted that includes the following information:

- (1) The date on which the cash transaction report was completed by the riverboat licensee.
- (2) The name of the patron for whom the cash transaction report was completed.
- (3) The amount of cash involved in the transaction that prompted the completion of the cash transaction report.
- (4) An indication of whether the cash was received by the riverboat licensee or paid out by the riverboat licensee.

(Indiana Gaming Commission; 68 IAC 15-2-2; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3327; filed Aug 20, 1997, 7:11 a.m.: 21 IR 18; errata filed Nov 17, 1997, 3:45 p.m.: 21 IR 1347; filed Feb 18, 1998, 9:45 a.m.: 21 IR 2315; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 15-2-3 Multiple transaction control log

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) The riverboat licensee shall be required to maintain a log for the purpose of recording aggregated cash transactions in excess of three thousand dollars (\$3,000). The riverboat licensee shall require coordination between the pits, slots, cashiers, cages, redemption centers, and other appropriate areas to ensure all transactions in excess of three thousand dollars (\$3,000) are recorded.

(b) The employee witnessing the transaction is responsible for completing the log.

(c) The log shall include, but is not limited to, the following information:

- (1) Date of the transaction.
- (2) Time of the transaction.
- (3) Description of the patron and name of the patron, if known.
- (4) Type of transaction and related information, including, but not limited to, the following types of transaction:
 - (A) Marker payment.
 - (B) Deposit.
 - (C) Check.
 - (D) Chip redemption.

(5) Amount of the transaction.

(6) Signature and occupational licensee number of the individual recording the transaction.

(7) Location of transaction.

(8) Photograph of the patron.

(9) Any other information deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(d) The reports shall be submitted to the accounting department on a daily basis and maintained by the riverboat licensee for five (5) years.

(e) Cage and pit personnel are responsible for communicating with other personnel to ensure all transactions are properly logged and any necessary currency transaction reports are completed. *(Indiana Gaming Commission; 68 IAC 15-2-3; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3327; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1069; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 15-2-4 Reportable transactions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) The riverboat licensee shall establish policies and procedures for the processing of cash transactions in excess of ten thousand dollars (\$10,000). Prior to the processing of a cash transaction in excess of ten thousand dollars (\$10,000), the riverboat licensee shall obtain, at a minimum, the information that is required by 31 U.S.C. 5313 and 31 CFR 103.

(b) If an individual or agent is conducting a transaction on behalf of another individual, the same information as described

in subsection (a) must be obtained for the individual serving as the agent. This is in addition to the information required for the individual for whom the transaction is being conducted.

(c) All identification information must be verified by examining the identification presented by the patron. Acceptable identification for a United States resident includes the following:

- (1) Driver's license.
- (2) United States passport.
- (3) Other government issued photo identification cards.

(d) For aliens or nonresidents of the United States, acceptable identification includes the following:

- (1) Passport.
- (2) Alien identification card.
- (3) Other official documents evidencing nationality or residence.

(e) If the patron is unable to provide any of the above information or the identification provided is not acceptable, the transaction must be refused until the necessary information has been obtained.

(f) If the denied transaction involves chip redemptions or payment of winnings, and the patron is unable to provide adequate identification in order to verify the patron's identity and address, the patron has the option of placing the winnings on deposit or converting the winnings to chips and retaining possession of the chips. The riverboat licensee does, however, have the right to demand redemption of the chips and tokens. If the riverboat licensee chooses to exercise this right, the customer's winnings will be placed on deposit. When the customer chooses to place the winnings on deposit, this would be the only instance in which a cashier will be allowed to accept a customer deposit without verifying the patron's identification. However, identification information should be obtained verbally from the patron. A surveillance photograph must be obtained and attached to the casino's copy of the customer deposit voucher. These deposits will not be refunded until proper identification is provided and will only be refunded to the individual identified by the surveillance photograph. The table games manager or the equivalent must approve both the deposit and refund by initialing the customer deposit voucher before the transaction is complete. Also, identification provided for verification should be recorded on the customer deposit withdrawal voucher and the currency transaction report.

(g) If a patron refuses to provide proper identification, all cash transactions will be stopped and the patron will be barred from any further gaming activity until satisfactory identification is provided. (*Indiana Gaming Commission; 68 IAC 15-2-4; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3328; filed Feb 18, 1998, 9:45 a.m.: 21 IR 2315; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-2-5 Surveillance

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. The riverboat licensee shall establish policies and procedures for the notification of surveillance prior to completing a currency transaction report. The procedures shall include, at a minimum, the following:

- (1) The window cashier, pit boss, table games shift manager, or table games manager must notify surveillance.
- (2) Surveillance will take a photograph of the patron from the surveillance camera.
- (3) Prior to the completion of the transaction, surveillance will notify the window cashier, pit boss, table games shift manager, or table games manager that an acceptable photograph has been taken.
- (4) Surveillance will note the date and time on the photograph, sign the photograph, and forward it to the window cashier, pit boss, table games shift manager, or table games manager.
- (5) The window cashier, pit boss, table games shift manager, or table games manager will sign the photograph, write the patron's name on the back of the photograph and attach it to the casino's copy of the currency transaction report.
- (6) The window cashier, pit boss, table games shift manager, or table games manager will document the type of reportable transaction on the currency transaction report form.
- (7) The window cashier, pit boss, table games shift manager, or table games manager will sign the currency transaction report form and document his or her occupational licensee number on the form.
- (8) The occupational licensee reviewing the form will also sign and document his or her occupational licensee number on the form.

(*Indiana Gaming Commission; 68 IAC 15-2-5; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3328; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-2-6 Currency transaction report

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 6. The following information shall, at a minimum, be included on the currency transaction report:

(1) Part I. Section A. The individual or organization for whom the transaction was completed, including the following information:

- (A) Patron's last name, first name, and, if provided, middle initial.
- (B) Patron's Social Security number.
- (C) Name of organization and employer identification number if the transaction is being conducted on behalf of a business or organization.
- (D) If the individual is an alien or nonresident of the United States, the passport number or alien registration number, or both, and issuing country for both.
- (E) Complete address of the patron, including the number and street, city, state, zip code and country if not in the United States.
- (F) Individual's date of birth.
- (G) Type and number of identification used to verify patron's identity.
- (H) Customer's account number. Include the customer's account number if an account relationship has been established between the patron and the casino or the deposit receipt number.

(2) Part I. Section B. Identity of individual conducting the transaction (complete only if an agent conducts a transaction for the person). Include the following information:

- (A) Agent's last name, first name, and, if provided, middle initial.
- (B) Agent's Social Security number.
- (C) Complete address of the agent, including the number and street, city, state, zip code, and country, if not in the United States.
- (D) If the individual is an alien or nonresident of the United States, the passport number, alien registration number, or both, and the issuing country for both.
- (E) Agent's date of birth.
- (F) Type and number of identification used to verify patron's identity.

(3) Part II. Description of transaction, including the following:

- (A) Indicate whether multiple currency transactions, none of which individually exceeds ten thousand dollars (\$10,000), comprise this report.
- (B) Indicate the nature of the transaction. Indicate if more than one (1) type of transaction is involved, and indicate the amount for each:
 - (i) currency exchange;
 - (ii) cash in; or
 - (iii) cash out.
- (C) Specify the total amount of the cash transaction, in United States dollars, being reported. This must be completed for reports even if a check is being cashed.
- (D) Include the date of the transaction.
- (E) If the transaction involves currency other than United States currency, include the name of the country that issued the currency.

(4) Part III. The riverboat reporting the financial transaction shall include the following information:

- (A) Name of the riverboat cage or occupational licensee handling the transaction or preparing the form.
- (B) Name and signature of the occupational licensee reviewing and approving the currency transaction report. The occupational licensee responsible for reviewing, approving, and submitting the report shall sign the report.
- (C) Name and commercial telephone number of a responsible individual to contact concerning any questions about this form.
- (D) Date on which the occupational licensee reviewed and approved the report.
- (E) All currency transaction reports must be properly filed with the Internal Revenue Service by the fifteenth day after

the date the transaction was completed with a copy simultaneously provided to the commission agent. (*Indiana Gaming Commission; 68 IAC 15-2-6; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3329; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1069; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-2-7 Occupational licensee's responsibility

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 7. Occupational licensees are prohibited from providing any information to riverboat patrons in an effort to assist the patron in circumventing the reporting requirements. Occupational licensees are responsible for preventing a patron from circumventing the reporting requirements if the occupational licensee has knowledge, or through reasonable diligence in performing his or her duties, should have knowledge of the patron's attempt to circumvent the reporting requirements. (*Indiana Gaming Commission; 68 IAC 15-2-7; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3330; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 3. Cash Reserve Requirements and Distributions

68 IAC 15-3-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33; IC 5-13-10.5

Sec. 1. (a) This rule applies to all riverboat licensees and riverboat license applicants.

(b) The following definitions apply throughout this rule:

(1) "Cash equivalents" means investments with an original maturity of three (3) months or less that would be permissible investments under Indiana law for state monies held by the state treasurer pursuant to IC 5-13-10.5.

(2) "Payout" means the drop less the amount of the riverboat licensee win.

(c) Violation of this rule may result in the initiation of a disciplinary action under 68 IAC 13-1. (*Indiana Gaming Commission; 68 IAC 15-3-1; filed Mar 9, 1998, 9:30 a.m.: 21 IR 2312; errata filed Apr 29, 1998, 10:00 a.m.: 21 IR 3366; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-3-2 Distributions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) A riverboat licensee or riverboat license applicant shall not make distributions to its partners, shareholders, itself, or any affiliated entity if the distribution will impair the financial viability of the riverboat gambling operation. Factors to be considered when determining impairment include, but are not limited to, the following:

(1) Cash flow, casino cash, and working capital requirements.

(2) Debt service obligations and covenants associated with financial instruments.

(3) Requirements for repairs and maintenance.

(4) Requirements for capital improvements.

(5) Requirements of the riverboat licensee's or riverboat license applicant's financial projections.

(6) Requirements to meet the obligations of the riverboat licensee or riverboat license applicant pursuant to a development agreement or the equivalent between the local community and the riverboat licensee or the riverboat license applicant or the conditions that were made a part of the certificate of suitability or the riverboat owner's license, or both.

(b) Notwithstanding subsection (a), distributions to partners or shareholders that are used for the payment of federal or state taxes, or both, shall not violate this rule. (*Indiana Gaming Commission; 68 IAC 15-3-2; filed Mar 9, 1998, 9:30 a.m.: 21 IR 2312; errata filed Apr 29, 1998, 10:00 a.m.: 21 IR 3366; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-3-3 Cash reserve requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) Riverboat licensees shall maintain, in cash or cash equivalents, an amount sufficient to protect patrons against defaults in gaming debts owed by the riverboat licensee. The cash reserve requirement may be maintained in any of the following combinations:

(1) Cash on hand in the riverboat licensee's cage that comprises the cage accountability.

(2) Cash in a bank account maintained in the state of Indiana.

(3) Cash equivalents that are not otherwise committed or obligated.

(b) Riverboat licensees shall maintain cash or cash equivalents in one (1) of the following amounts to ensure payment of winning patron wagers:

(1) For the first full or partial quarter of operation, based on a calendar year, one hundred percent (100%) of the riverboat licensee's or riverboat license applicant's projected payout for a three (3) day period.

(2) For the next quarter, based on a calendar year, one hundred percent (100%) of the riverboat licensee's actual payout for a three (3) day period. The actual payout shall be computed by calculating the daily average payout for the previous quarter of operation and multiplying the daily average payout by three (3).

(c) The cash reserve requirement that a riverboat licensee must maintain shall be rounded off to the nearest thousand dollars. The riverboat licensee shall not increase or decrease the cash reserve requirement each quarter unless the adjustment would increase or decrease the cash reserve requirement by at least fifty thousand dollars (\$50,000). The riverboat licensee shall increase or decrease the cash reserve requirement by the twentieth day of the month following the end of the quarter.

(d) The cash or cash equivalents must be held in the name of the riverboat licensee.

(e) If the riverboat licensee's cash and cash equivalents fall below the amount outlined in subsection (b), the riverboat licensee shall immediately notify the executive director. If the cash reserve requirement does not comply with this rule, the executive director shall order the riverboat licensee to establish a cash reserve requirement that is in compliance within a period not to exceed twenty (20) days.

(f) The riverboat licensee shall provide the executive director with a statement of the cash reserve account by the twentieth day of each month or within ten (10) days of the receipt of the statement by the riverboat licensee. (*Indiana Gaming Commission; 68 IAC 15-3-3; filed Mar 9, 1998, 9:30 a.m.: 21 IR 2312; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 4. Token and Chip Inventories

68 IAC 15-4-1 Applicability; general provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to riverboat licensees and riverboat license applicants.

(b) As used in this rule, "commission agent" means one (1) or more of the members of the Indiana state police department who is assigned to work for the commission's gaming enforcement section and who is on duty. (*Indiana Gaming Commission; 68 IAC 15-4-1; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3330; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-4-2 Purchase and receipt of chips and tokens

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) The riverboat licensee or riverboat license applicant shall be responsible for establishing policies and procedures for the purchase, receipt, inventory, storage, and destruction of chips and tokens. These policies and procedures must be submitted to and approved by the executive director in accordance with 68 IAC 15-1.

(b) Procedures for the purchase and receipt of chips and tokens shall include, but are not limited to, the following:

(1) Chips and tokens shall only be purchased from a licensed supplier. The riverboat licensee or riverboat license applicant

shall be responsible for communicating with licensed suppliers to arrange secured shipment and receipt of chips or tokens. Shipment shall be made via an exclusive courier who shall be required to use sealed doors and implement procedures for documenting all stops along the route.

(2) The occupational licensee delegated the responsibility of ordering chips and tokens shall be at least the slot manager or cage manager level, or the equivalent.

(3) The commission shall be notified in writing prior to the delivery of any chips or tokens. This notification shall include the following information:

(A) Date and time of delivery.

(B) Location of delivery.

(C) A detailed description of the method and details of the secured shipment that will be utilized to transport the chips or tokens.

(D) Amount of chips or tokens, by denomination.

(E) Occupational licensee who authorized the order of the chips or tokens.

(F) Any other information deemed necessary by the executive director or commission to ensure compliance with the Act and this title.

(4) At least two (2) occupational licensees from separate departments shall open and count the chips or tokens received. A commission agent shall also be present while the chips or tokens are being opened and counted.

(5) Any deviation between the actual count of chips or tokens received and the invoice or packing slip accompanying the chips or tokens or any defects in the chips or tokens shall be immediately reported to the executive director.

(6) The actual count of chips or tokens shall be recorded in a log or ledger. This log or ledger will be in a format approved by the commission. The following information shall, at a minimum, be included in the log or ledger:

(A) Date of receipt of the chips or tokens.

(B) Amount of chips or tokens, by denomination.

(C) Whether the chips are value chips or nonvalue chips.

(D) Whether the chips are part of the primary or reserve set of chips.

(E) Total token and chip inventory.

(F) Signatures of the occupational licensees counting the chips or tokens received.

(G) Name of the commission agent observing the delivery of the chips or tokens.

(H) Signature of the occupational licensee recording the entry.

(I) Any other information deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(7) If any of the chips are to be held in reserve, then those chips shall be stored in a locked cabinet separate from all other chips.

(Indiana Gaming Commission; 68 IAC 15-4-2; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3330; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1070; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 15-4-3 Storage of chips or tokens

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. The riverboat licensee or riverboat applicant shall establish procedures for the transfer or storage of all chips and tokens. The procedures shall include, at a minimum, the following:

(1) Location and access of sensitive keys in accordance with 68 IAC 11-7.

(2) At least two (2) occupational licensees must be present for the transfer of the reserve or secondary chips and reserve tokens.

(3) Identification of occupational licensees authorized to transfer reserve and secondary chips.

(4) Establish a procedure where at least two (2) occupational licensees, Level 2 or higher, from separate departments shall open and check the chips transferred. Identify the occupational licensees, by title, involved in this process.

(5) Inventories of chips in reserve and secondary set of chips and reserve tokens shall be made on a monthly basis and the results of such inventories shall be recorded in the chip inventory ledger. Physical inventories may be performed annually if

the inventory procedures incorporate the sealing of locked compartments. The procedures for the performance of chip inventories, the procedures for sealing and accessing locked compartments, and the security measures to be taken with respect to these locked compartments shall be submitted to the commission for approval at least sixty (60) days prior to their implementation.

(6) During nongaming hours all chips shall be stored and locked in the casino cages, main bank vault, or locked table trays at the live gaming devices.

(Indiana Gaming Commission; 68 IAC 15-4-3; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3331; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1071; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

Rule 5. Wagering Tax

68 IAC 15-5-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-13

Sec. 1. (a) This rule applies to riverboat licensees.

(b) The following definitions apply throughout this article:

(1) "Form RG-1" means the Daily Adjusted Gross Receipts and Tax Remittance form.

(2) "Form RG-2" means the Monthly Statistical Information and Monthly Tax form.

(3) "Form RG-3" means the Balance Sheet form.

(4) "Form RG-4" means the Income Statement form.

(5) "Form RG-5" means the Statements of Changes in Stockholders' Equity form.

(6) "Form RG-6" means the Statements of Changes in Partners' or Proprietor's Equity form.

(7) "Form RG-7" means Statements of Cash Flows form.

(8) "Form RG-8" means the Schedule of Receivables and Patrons' Checks form.

(9) "Form RG-9" means the Employment and Payroll Report form.

(10) "Gaming day" means a twenty-four (24) hour period commencing at 6 a.m. one (1) day and concluding at 5:59 a.m. the following day.

(Indiana Gaming Commission; 68 IAC 15-5-1; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3305; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 15-5-2 Calculation of taxes

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-13

Sec. 2. (a) The riverboat licensee shall calculate the amount of wagering taxes to be paid by completing Form RG-1 in accordance with the applicable rules of the department, this rule, and any instructions that accompany Form RG-1.

(b) Each riverboat licensee shall maintain an account at a designated financial institution capable of handling electronic fund transfers.

(c) The riverboat licensee shall submit the wagering tax liabilities via an Electronic Funds Transfer (EFT) system employing an Automated Clearinghouse Debit method (ACH-Debit) or other method approved by the department and the executive director.

(d) The riverboat licensee shall be required to file a Form RG-1 and remit the tax imposed by IC 4-33-13 to the department before the close of the business day following the day the wagers are made. In addition, a copy of Form RG-1 shall be filed with the commission.

(e) The riverboat licensee shall be required to maintain funds, at all times, sufficient to cover all tax liabilities due to the department in accordance with IC 4-33-13.

(f) The riverboat licensee shall compute the amount of wagering tax due by multiplying the total of daily adjusted gross receipts by twenty percent (20%). Daily adjusted gross receipts shall be computed by the following manner:

(1) Add the following figures:

(A) Total receipts from table games in accordance with section 3 of this rule.

- (B) Total receipts from electronic gaming devices in accordance with section 4 of this rule.
- (C) Net tournament receipts in accordance with section 5 of this rule.
- (D) Net debit card receipts in accordance with section 6 of this rule.
- (E) Any tax remittance correction or adjustment, or both, in accordance with section 7 of this rule.

(2) Deduct the following figures:

- (A) Allowable uncollectible gaming receivable deduction under 68 IAC 16-1-13 in accordance with section 8 of this rule.
- (B) Any tax remittance correction or adjustment, or both, in accordance with section 7 of this rule.

(g) If the amount of wagering tax due on a gaming day is a negative figure, the riverboat licensee shall remit no wagering tax for that gaming day, but shall pay the appropriate amount of admission tax calculated pursuant to 68 IAC 15-6. Any negative wagering tax shall be carried over and calculated as an adjustment on Schedule E of Form RG-1 on the subsequent gaming days until the negative figure has been brought to a zero (0) balance. (*Indiana Gaming Commission; 68 IAC 15-5-2; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3305; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-5-3 Receipts from table games

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 3. (a) The riverboat licensee shall compute the total receipts from table games by adding the table win as defined in 68 IAC 1-1-93 and the daily chip float adjustment.

(b) The daily chip float shall be computed in the following manner:

- (1) Begin with the dollar value of chips on hand per the chip inventory ledger.
- (2) Subtract the dollar value of the ending inventory of chips held by the riverboat licensee. The ending inventory shall include the following:
 - (A) The dollar value of chips in the vault.
 - (B) The dollar value of chips in the cage drawer.
 - (C) The dollar value of chips in the change lockers.
 - (D) The dollar value of chips on the live gaming device tables.

(3) The daily chip float must be calculated and recorded separately for each denomination of chips.

(c) The daily chip float adjustment shall be computed by subtracting the previous gaming day's chip float from the current gaming day's chip float.

(d) If any denomination of chip float becomes negative, the riverboat licensee must take the following steps:

- (1) Immediately investigate the reason for the negative chip float.
- (2) Immediately notify the commission agent.
- (3) Notify the commission, in writing, on the next business day.

(*Indiana Gaming Commission; 68 IAC 15-5-3; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3306; filed May 29, 1998, 5:15 p.m.: 21 IR 3702; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-5-4 Receipts from electronic gaming devices

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 4. (a) The riverboat licensee shall compute the total receipts from electronic gaming devices in the following manner:

(1) Add the following applicable figures for electronic gaming device drop buckets:

- (A) For electronic gaming devices that were not part of the drop bucket collection process under 68 IAC 11-2 for that gaming day, add the dollar value of the drop per the central computer system.
- (B) For electronic gaming devices that were part of the drop bucket collection process under 68 IAC 11-2 for that gaming day, add the dollar value of the contents of the drop buckets, including foreign tokens, per the hard count.

(2) Add the following applicable figures for electronic gaming device bill validator drop boxes:

- (A) For electronic gaming device bill validator drop boxes that were not part of the currency collection process under

68 IAC 11-3 for that gaming day, add the dollar value of the drop per the central computer system.

(B) For electronic gaming device bill validator drop boxes that were part of the currency collection process under 68 IAC 11-3 for that gaming day, add the dollar value of the contents of the bill validator drop boxes per the soft count.

(3) Deduct the following figures:

(A) The dollar value of the amount previously reported per the central computer system on a previous gaming day that is included in the drop bucket collection process or the bill validator collection process for the current gaming day.

(B) The dollar value of manually paid jackpots.

(C) The dollar value of hopper fills. The riverboat licensee shall not take a deduction for hopper fills that are made prior to the commencement of gaming operations or prior to the utilization of any electronic gaming device.

The total of subdivisions (1) through (2) shall be added to the daily token float adjustment to arrive at the total receipts from electronic gaming devices.

(b) The riverboat licensee shall compute the daily token float in the following manner:

(1) Begin with the dollar value of tokens on hand per the token inventory ledger.

(2) Subtract the dollar value of the ending token inventory held by the riverboat licensee. The ending token inventory shall include the following:

(A) The dollar value of tokens in the hard count room.

(B) The dollar value of tokens in the vault.

(C) The dollar value of tokens in the cage drawers.

(D) The dollar value of tokens in the change lockers.

(E) The dollar value of tokens in the hoppers. If this deduction is not based on an actual number of tokens in the hoppers, the figure utilized must be approved by the executive director or the executive director's designee.

(3) The daily token float must be calculated and recorded separately for each denomination of tokens.

(c) The daily token float adjustment shall be arrived at by subtracting the previous gaming day's token float from the current gaming day's token float.

(d) If any denomination of token float becomes negative, the riverboat licensee must take the following steps:

(1) Immediately investigate the reason for the negative token float.

(2) Immediately notify the commission agent.

(3) Notify the commission, in writing, on the next business day.

(Indiana Gaming Commission; 68 IAC 15-5-4; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3306; filed May 29, 1998, 5:15 p.m.: 21 IR 3703; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 15-5-5 Tournament receipts

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. The riverboat licensee shall compute the net tournament receipts to be used in arriving at the daily adjusted gross receipts in the following manner:

(1) Add the total receipts from tournaments.

(2) Deduct tournament payouts, including prizes at their historical cost basis.

The riverboat licensee may not take a deduction for net tournament receipts if the computation results in a negative number. *(Indiana Gaming Commission; 68 IAC 15-5-5; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3306; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 15-5-6 Debit card receipts

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 6. The riverboat licensee shall compute the net debit card receipts to be used in arriving at the daily adjusted gross receipts by deducting the total of cash returned on debit cards from total receipts from issuance of debit cards. *(Indiana Gaming Commission; 68 IAC 15-5-6; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3306; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 15-5-7 Tax corrections or adjustments

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 7. If the riverboat licensee makes any adjustment or correction in a calculation that has been previously reported on Form RG-1, the adjustment shall be incorporated into the next Form RG-1 that is filed with the department and the commission. The adjustment shall include any collection of uncollectible gaming receivables that were previously computed in an uncollectible gaming receivables in completing a Form RG-1. The riverboat licensee shall fully and completely explain the reason necessitating any adjustment or correction on Schedule E of Form RG-1. (*Indiana Gaming Commission; 68 IAC 15-5-7; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3307; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-5-8 Uncollectible gaming receivables

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 8. The riverboat licensee shall be allowed a deduction against a total win for uncollectible gaming receivables. The deduction shall be the lesser of the following:

- (1) Actual uncollectible gaming receivables.
- (2) Two percent (2%) of the receipts from gaming operations for the gaming day, which includes the total of all sums received from patrons, whether collected or not, less the amount paid out by the riverboat licensee as winnings to patrons.
- (3) A reasonable provision for uncollected patron checks received from gaming operations that is based on actual uncollectible gaming receivables for the prior month prorated per day.

(*Indiana Gaming Commission; 68 IAC 15-5-8; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3307; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-5-9 Monthly forms

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 9. The riverboat licensee shall prepare and submit the following forms to the commission office in Indianapolis, Indiana no later than fifteen (15) days after the end of each calendar month:

- (1) Form RG-2.
- (2) Form RG-3.
- (3) Form RG-4.
- (4) Form RG-5.
- (5) Form RG-6.
- (6) Form RG-7.
- (7) Form RG-8.
- (8) Form RG-9.

The forms listed in this section shall be prepared in accordance with this rule and any instructions that accompany the form. The original forms shall be submitted to the commission office in Indianapolis, Indiana by the fifteenth day of each month. Copies of each form shall be submitted to the department in Indianapolis, Indiana. Copies submitted via facsimile are not acceptable as being timely filed. (*Indiana Gaming Commission; 68 IAC 15-5-9; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3307; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 6. Admission Tax

68 IAC 15-6-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-12-3

Sec. 1. (a) This rule applies to riverboat licensees.

(b) All admission procedures utilized by a riverboat licensee must be in compliance with this rule, and all admission taxes must be reported in accordance with this rule.

(c) The following definitions apply throughout this rule:

(1) "Carryover patron" means a patron who remains on board past the disembarkation period of any excursion following the initial excursion for which the patron boarded the riverboat.

(2) "Commission agent" means one (1) of the members of the Indiana state police department who is assigned to work with the commission and who is on duty.

(3) "Complimentary admission ticket" means a ticket issued to a patron by the riverboat licensee wherein the patron is not charged the admission price. The riverboat licensee must pay the admission tax for that patron in accordance with this rule and IC 4-33-12.

(4) "Passenger" includes the patrons in addition to those individuals entitled to receive a tax-free pass.

(5) "Patron" means an individual who:

(A) boards the riverboat to participate in a gambling excursion; and

(B) is not entitled to receive a tax-free pass.

(6) "RG-1" means the Daily Adjusted Gross Receipts and Tax Remittance Form.

(7) "Tax-free pass" means a pass that is issued to persons listed in IC 4-33-12-3 that allows the individual to board the riverboat without paying an admission charge. The riverboat licensee does not have to remit the admission tax for persons who receive a tax-free pass. Persons on board the riverboat with a tax-free pass shall not participate in any gambling game.

(8) "Vendor" means a person who is on the riverboat to supply the riverboat licensee with a good or service necessary for the conduct of the riverboat gambling operation.

(Indiana Gaming Commission; 68 IAC 15-6-1; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3044; errata filed Oct 23, 1996, 12:00 p.m.: 20 IR 760; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 15-6-2 Admissions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-9-2

Sec. 2. Admissions to the riverboat must be conducted in the following manner:

(1) The embarkation period for each gaming excursion may not exceed a period of thirty (30) minutes.

(2) The disembarkation period for each gaming excursion may not exceed a period of thirty (30) minutes. During the disembarkation period, no new patrons shall be allowed to board the riverboat.

(3) The riverboat licensee may allow patrons to disembark during the embarkation period for the next gaming excursion or at anytime that the riverboat remains at the dock and gambling continues in accordance with IC 4-33-9-2. The riverboat licensee is responsible for ensuring it is in compliance with subdivision (13) at all times. The admissions tax must be paid by the patron or the riverboat licensee for any patron who disembarks during the embarkation period for the next gaming excursion or who disembarks at any time during a gaming excursion after the conclusion of the thirty (30) minute disembarkation period.

(4) The admissions tax must be paid by the carryover patron or the riverboat licensee for each excursion that a patron remains on board.

(5) All patrons boarding the riverboat must pass through a turnstile or other approved patron counting equipment.

(6) All patrons exiting the riverboat must pass through a turnstile or other approved patron counting equipment.

(7) The riverboat licensee is responsible for ensuring that the turnstile or equivalent keeps an accurate count of the patrons who board the riverboat.

(8) If a patron exits the riverboat and passes through a turnstile or the equivalent, the patron may not reenter the riverboat until the patron purchases a ticket or is issued a complimentary pass by the riverboat licensee.

(9) A passenger count must be completed for each gambling excursion.

(10) The riverboat licensee shall submit passenger count procedures to the executive director at least sixty (60) days before the commencement of gambling operations. The passenger count procedures shall include, but not be limited to, the following:

(A) A description of the type of equipment that will be utilized to complete a patron count.

- (B) The form that will be utilized to report the patron count.
 - (C) The procedure that will be utilized to ensure patron boarding occurs only during the appropriate embarkation period.
 - (D) Emergency procedures that will be utilized in case the primary patron counting equipment malfunctions.
 - (E) The manner in which the riverboat licensee will ensure that the total number of passengers does not exceed the capacity of the riverboat as set forth in the certificate of inspection issued by the United States Coast Guard.
 - (F) Any other information deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.
- (11) The riverboat licensee shall notify the commission agent immediately if the primary patron counting system malfunctions.
- (12) The following individuals are entitled to a tax-free pass and do not have to pass through the patron counting equipment when boarding the riverboat:
- (A) Occupational licensees of the riverboat licensee.
 - (B) Other employees of the riverboat licensee who are boarding the riverboat in the performance of official duties.
 - (C) Commission members, commission staff, and commission agents.
 - (D) Official guests approved by commission members, commission staff, and commission agents.
 - (E) Vendors who have completed the appropriate vendor log in accordance with section 4 of this rule.
 - (F) Any other person authorized by the executive director or the commission to ensure compliance with the Act and this title.
- (13) All persons boarding the riverboat on a tax-free pass must have an appropriate badge.
- (14) At no time shall the riverboat licensee allow the total number of passengers to exceed the capacity of the riverboat as set forth in the certificate of inspection issued by the United States Coast Guard.

(Indiana Gaming Commission; 68 IAC 15-6-2; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3045; filed Aug 20, 1997, 7:11 a.m.: 21 IR 19; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 15-6-3 Ticketing

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-4-21.2

Sec. 3. Tickets for admittance on the riverboat shall have the following characteristics:

- (1) Have two (2) perforated sections.
- (2) One (1) section shall be retained by the riverboat licensee after the patron boards the riverboat. The patron shall retain the remaining section of the ticket.
- (3) The ticket shall contain, at a minimum, the following information:
 - (A) A sequential number assigned by the riverboat licensee.
 - (B) The date and time of the excursion.
 - (C) The number of the toll free telephone line in accordance with IC 4-33-4-21.2 and 68 IAC 20-1 *[sic.]*.
- (4) An admission ticket shall be good for admittance to only one (1) excursion. A riverboat licensee may allow the patron to stay on board the riverboat as a carryover patron as long as the admission tax is paid in accordance with section 2(3) and 2(4) of this rule and so long as the total number of passengers remaining on the riverboat does not exceed the capacity of the riverboat as set forth in the certificate of inspection issued by the United States Coast Guard.

(Indiana Gaming Commission; 68 IAC 15-6-3; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3046; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 15-6-4 Vendor log and visitor log

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 4. (a) The riverboat licensee's security department shall maintain a vendor and visitor log on forms prescribed or approved by the commission.

(b) All vendors and visitors entitled to a tax-free pass must report to security to complete the vendor and visitor log and to obtain a badge. When the vendor or visitor leaves the riverboat, the vendor or visitor must complete the appropriate portion of the

log.

(c) Vendors and visitors on board the riverboat with a tax-free pass may not participate in any of the gambling games.

(d) All vendors and visitors aboard the riverboat must wear, in a conspicuous location, a badge issued by the security department.

(e) The vendor and visitor log shall contain the following information:

(1) The name of the vendor or visitor.

(2) The company or organization the vendor or visitor represents.

(3) The date and time the vendor or visitor boards the riverboat.

(4) The purpose that necessitates the vendor or visitor boarding the riverboat.

(5) The date and time that the vendor or visitor exits the riverboat. The riverboat licensee is responsible for instituting a policy that ensures all vendor and visitor badges are returned to the security department and accounted for when the vendor or visitor exits the riverboat.

(6) If the person is a visitor, the individual who authorized the visitor's presence on the riverboat.

(7) Any other information deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(f) All vendors and visitors must be counted in the calculation of the total count to determine that the total number of passengers does not exceed the capacity of the riverboat as set forth in the certificate of inspection issued by the United States Coast Guard. (*Indiana Gaming Commission; 68 IAC 15-6-4; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3046; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-6-5 Computation of tax

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. (a) The riverboat licensee shall complete an RG-1 for each gaming day and indicate the total number of admissions for each day.

(b) The admissions tax shall be computed utilizing the patron count that results in the highest count from one (1) of the following methods of counting patrons:

(1) A turnstile or the equivalent.

(2) A manual count.

(3) A ticket stub count.

(4) Any other method of counting patrons that has been approved by the executive director as accurately tracking patron ingress and egress to ensure the accurate payment of the admission tax in accordance with the Act and this title.

(c) The tax on carryover patrons shall be computed utilizing Schedule A of the RG-1. (*Indiana Gaming Commission; 68 IAC 15-6-5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3046; filed May 29, 1998, 5:05 p.m.: 21 IR 3701; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 7. Audit Procedures

68 IAC 15-7-1 Applicability; general provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to riverboat licensees.

(b) The riverboat licensee must submit policies and procedures in connection with the daily review, reconciliation, and posting of transactions in accordance with 68 IAC 15-1 and this rule.

(c) Occupational licensees who hold revenue audit positions are responsible for the daily review, reconciliation, and posting of transactions for their respective departmental audits.

(d) As used in this rule, "Form RG-1" means the Daily Adjusted Gross Receipts and Tax Remittance Form. (*Indiana Gaming Commission; 68 IAC 15-7-1; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3331; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-7-2 Table games

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) The riverboat licensee shall require the revenue auditor or its equivalent to perform certain procedures on a daily basis. These procedures should be performed on a sample basis for both computerized and manual forms and shall include, at a minimum, the following:

- (1) Trace table game fills and credit slips originals to duplicate copies and to orders for fills and credits to verify agreement.
- (2) Review the table game fills and credits slips for the proper number of authorized signatures, date-time stamps, and accurate arithmetic.
- (3) Verify and account for the numerical sequence of the table games fills and credits slips.
- (4) Review all voided table game fills and credits for appropriate handling and required number of authorized signatures. Assure that all appropriate forms are attached.
- (5) Verify that credits and fills are properly recorded for the computation of win.
- (6) Trace opening drop cards to the previous shift's closing inventory slip to verify agreement and test for completeness and propriety.
- (7) Trace fills and credits, opening and closing table chip inventories, and marker transactions to the marker gaming reports.
- (8) Trace the detail from the master gaming report into the accounting entries recording the transactions and to the total cash summary.
- (9) Any other procedures deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(b) The riverboat licensee shall require that all variances or discrepancies from subsection (a) shall be investigated, recorded, and reported to the head of the accounting department or its equivalent. The information shall be made available upon demand by the commission staff or commission agent.

(c) Any variances or discrepancies that affect the calculation of the win shall be adjusted for in the financial statements and reported on Form RG-1 for the appropriate gaming day. (*Indiana Gaming Commission; 68 IAC 15-7-2; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3331; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-7-3 Electronic gaming devices

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) The riverboat licensee shall require, on a daily basis, that the revenue auditor or its equivalent to perform certain procedures on the calculation of the electronic gaming device win. These procedures shall include, at a minimum, the following procedures:

- (1) Trace the total of the "bills-in" meter readings as recorded by the bill acceptor flash report or equivalent to the actual count performed by the soft count team to verify agreement.
- (2) Compare the total of tokens dropped as reported by the central computer system with the actual wrap count as reported by the slot drop count team. Any significant variance of greater than two percent (2%) will be documented and investigated by the head of the accounting department or the equivalent.
- (3) Review all voided electronic gaming device jackpot and fill slips for accuracy and proper handling. Verify proper number of authorized signatures.
- (4) Trace the electronic gaming device count documentation into the cage checkout sheet and subsequent posting to the general ledger.
- (5) Verify that all manual electronic gaming device jackpot and fill slips are entered into the central computer system.

(b) The riverboat licensee shall require that all variances or discrepancies from subsection (a) shall be investigated, recorded, and reported to the head of the accounting department or its equivalent and the commission staff.

(c) Any variances or discrepancies that affect the calculation of the electronic gaming device win shall be adjusted for in the financial statements and reported on Form RG-1 for the appropriate gaming day.

(d) The riverboat licensee shall require the revenue auditor or its equivalent to perform certain procedures, on a sample basis,

on the electronic gaming devices on a daily basis. These procedures should be performed for both computerized and manual forms and shall include, at a minimum, the following:

- (1) Compare the original electronic gaming device fills and jackpot slips to the duplicate fills and jackpot slips to verify accuracy.
- (2) Review the electronic gaming device fills and jackpot slips for the proper number of authorized signatures.
- (3) Verify and account for the numerical sequence of the electronic gaming device fills and jackpot slips.
- (4) Recalculate the electronic gaming device documentation for accuracy and recording.
- (5) Randomly select certain days to verify the accuracy of the total of fills and jackpots and re-foot and trace to the jackpot and fill report.
- (e) The riverboat licensee shall require that all variances or discrepancies of greater than two percent (2%) from subsection (a) or (d) shall be investigated, recorded, and reported to the head of the accounting department or equivalent.
- (f) Any variances or discrepancies that affect the calculation of the electronic gaming device win shall be adjusted for in the financial statements and reported on Form RG-1 for the appropriate gaming day.
- (g) The riverboat licensee's audit department or accounting department shall read the following electro-mechanical meters of each electronic gaming device at least one (1) time per month:
 - (1) Tokens-in meter.
 - (2) Tokens-out meter.
 - (3) Tokens drop meter.
 - (4) Bill drop meter.
- (h) A log shall be maintained by the audit department or accounting department to record the meter readings. A copy of this report shall be submitted to the commission office in Indianapolis, Indiana after the monthly readings have been completed.
- (i) The meter readings shall be compared to the readings produced by the central computer system. Any variance of greater than two percent (2%) will be investigated by the head of the accounting department or equivalent and reported. (*Indiana Gaming Commission; 68 IAC 15-7-3; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3332; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1071; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-7-4 Admission revenue

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) The riverboat licensee shall establish auditing procedures in connection with admissions revenue. These procedures shall be performed on a daily basis and shall include, at a minimum, the following:

- (1) Review the passenger count form and summary passenger count form for propriety and completeness.
 - (2) Recalculate the admissions revenue and admissions tax per the passenger count forms and reconcile the total to the summary passenger count form.
 - (3) Ensure the numbers on the passenger count forms and summary passenger count forms correspond to the numbers entered on Schedule A of Form RG-1.
 - (4) On a sample basis, the auditor or his or her equivalent will verify admissions revenue and tax by counting the boarding passes and comparing the total to the passenger count form.
- (b) The riverboat licensee shall require that all variances or discrepancies from subsection (a) be investigated, recorded, and reported to the head of the accounting department or equivalent and the commission staff or commission agent.
- (c) Any variances or discrepancies that affect the calculation of table game wins shall be adjusted for in the financial statements and reported on Form RG-1 on the gaming day the variance or discrepancy was discovered. (*Indiana Gaming Commission; 68 IAC 15-7-4; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3332; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 8. Internal Audit Procedures

68 IAC 15-8-1 Applicability; general provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to riverboat licensees.

(b) The riverboat licensee shall establish policies and procedures in connection with the internal audit function for the riverboat operations. The internal audit department or its equivalent shall report directly to the audit committee of the board of directors, or equivalent. The internal audit department shall consist of at least two (2) full-time on-site internal auditors.

(c) The riverboat licensee shall document all procedures and results of compliance testing performed under this rule. All material instances of noncompliance with the submitted internal controls shall be investigated and reported immediately to the commission staff.

(d) Quarterly reports shall be submitted to the commission staff documenting the results of the compliance testing under this rule. The quarterly reports documenting the results of the compliance testing shall be submitted to the regional audit administrator at the commission office in Indianapolis, Indiana, within thirty (30) days of the close of the quarter that the report covers. These reports shall identify repeat findings and shall list all corrective action that was taken or will be taken to avoid similar problems in the future.

(e) At any time errors are uncovered in the computation of win, such errors shall be corrected and reported on Form RG-1 for the appropriate gaming day.

(f) As used in this rule, "Form RG-1" means the Daily Adjusted Gross Receipts and Tax Remittance Form. (*Indiana Gaming Commission; 68 IAC 15-8-1; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3333; filed Aug 20, 1997, 7:11 a.m.: 21 IR 20; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1072; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-8-2 Observation of live table games

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. The riverboat licensee shall establish procedures to observe, unannounced, the compliance with the system of internal controls that have been submitted in accordance with 68 IAC 11 and 68 IAC 15 for live gaming devices. The procedures shall be performed quarterly and shall include, at a minimum, the following:

(1) Observe and review the opening, closing, and shift procedures.

(2) Observe and review the live gaming device fill and credit procedures.

(3) Observe and review the live gaming device pit marker procedures.

(4) Observe and review the live gaming device drop box and tip box removal procedures.

(5) Observe and review the soft count procedures, including the count of the live gaming device drop boxes and currency acceptor cash storage boxes, and the subsequent transfer of the funds.

(6) Observe and review the location and control over sensitive keys.

(7) Observe and review card and dice control procedures, including the card and dice removal and cancellation logs.

(8) Any other procedures deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(*Indiana Gaming Commission; 68 IAC 15-8-2; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3333; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1072; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-8-3 Examination of live gaming device documents

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. The riverboat licensee shall establish procedures for the internal audit department or its equivalent to review, on a sample basis, the compliance with the internal control system for live gaming devices that have been submitted in accordance with 68 IAC 11 and 68 IAC 15. The procedures shall be performed quarterly and shall include, at a minimum, the following:

(1) Trace live gaming device fills and credits slip originals to duplicate copies and to orders for fills and credits to verify agreement.

(2) Review the live gaming device fills and credits slips for the proper number of signatures, proper level of authorization, date-time stamps, and accurate arithmetic.

(3) Verify and account for the numerical sequence of the live gaming device fills and credits slips.

- (4) Review all voided live gaming device fills and credits for appropriate handling and required number of authorized signatures. Assure that all appropriate forms are attached.
- (5) Verify that credits and fills are properly recorded for the computation of win.
- (6) Trace opening drop cards to the previous shift's closing inventory slip to verify agreement and test for completeness and propriety.
- (7) Trace fills and credits, opening and closing table chip inventories, and marker transactions to the master gaming reports.
- (8) Trace the detail from the master gaming report into the accounting entries recording the transactions and to the total cash summary.
- (9) Test online fill, credit and soft count system for compliance. Test the central computer system for the proper recording of the transactions.
- (10) Any other procedures deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(Indiana Gaming Commission; 68 IAC 15-8-3; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3333; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 15-8-4 Observation and testing of electronic gaming devices

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. The riverboat licensee shall establish procedures to observe, unannounced, the compliance with the system of internal controls for the electronic gaming devices which have been submitted in accordance with 68 IAC 11 and 68 IAC 15. The procedures shall be performed quarterly and shall include, at a minimum, the following:

- (1) Observe and review jackpot payout and fill procedures.
- (2) Observe and review the electronic gaming device drop procedures.
- (3) Observe and review the hard count and subsequent transfer of funds.
- (4) Perform surprise testing of the weigh scales and token counters.
- (5) Observe and review the location and control over the sensitive keys.
- (6) Test the contents of the hoppers.
- (7) Compare the original electronic gaming device fills and jackpot slips to the duplicate fills and jackpot slips to verify accuracy.
- (8) Review the electronic gaming device fills and jackpot slips for the proper number of authorized signatures.
- (9) Verify and account for the numerical sequence of the electronic gaming device fills and jackpot slips.
- (10) Recalculate the electronic gaming device documentation for accuracy and recording.
- (11) Randomly select certain days to verify the accuracy of the total of fills and jackpots and re-foot and trace to the jackpot and fill report.
- (12) Any other procedures deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(Indiana Gaming Commission; 68 IAC 15-8-4; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3334; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 15-8-5 Observation and testing of casino cashiering and credit

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. (a) The riverboat licensee shall establish procedures for the observation and testing of the compliance with the system of internal controls for casino cashiering and credit.

- (b) The internal auditor or equivalent shall observe and review, on a quarterly basis, the following procedures, at a minimum:
 - (1) The countdown procedures.
 - (2) The casino cage accountability to the general ledger.
 - (3) The casino cage accountability to the main bank, vault, token booth, and change banks.

- (4) Check cashing procedures and issuance of credit procedures.
- (5) Shift and day procedures.
- (6) Any other procedures deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.
- (c) The internal auditors or equivalent shall test, on a quarterly basis, the following procedures, at a minimum:
 - (1) Reconcile summary sheets to physical instruments on a sample basis.
 - (2) Review processing of payments on returned checks.
 - (3) Review procedures and controls over the primary, secondary, and nonvalue chip inventory.
 - (4) Ascertain compliance with credit limits and other preestablished credit issuance procedures.
 - (5) Any other procedures deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(Indiana Gaming Commission; 68 IAC 15-8-5; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3334; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 15-8-6 Currency transaction reporting

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 6. The riverboat licensee shall establish procedures for the internal auditor or equivalent to review, on a sample basis, the compliance with the internal control system for currency transaction reporting. The observation and review shall be performed on a quarterly basis and shall include, at a minimum, the following:

- (1) The pit, currency, cage, and electronic gaming device transaction procedures.
- (2) Transactions report and corresponding supporting documents.
- (3) The documentation and control over source documents.
- (4) Any other procedures deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(Indiana Gaming Commission; 68 IAC 15-8-6; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3334; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 15-8-7 Adjusted gross receipts and admissions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 7. (a) The riverboat licensee shall establish procedures for the internal auditors or equivalent to review, on a sample basis, the computation of the daily adjusted gross receipts and admission tax remittance forms in accordance with 68 IAC 15-5. These procedures shall be performed on a quarterly basis.

(b) The internal auditor or equivalent shall observe and review procedures for the reading and recording of the passenger count included in the admission tax calculation in accordance with 68 IAC 15-6. These procedures shall be performed on a quarterly basis.

(Indiana Gaming Commission; 68 IAC 15-8-7; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3335; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

Rule 9. Tips and Gratuities; Chips and Tokens Redeemed by Nongaming Occupational Licensees

68 IAC 15-9-1 Applicability; general provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 1. (a) This rule applies to riverboat licensees.

(b) The following definitions apply throughout this rule:

- (1) "Commission agent" means one (1) or more of the members of the Indiana state police department who is assigned to work

for the commission's gaming enforcement section and who is on duty.

(2) "Gaming occupational licensee" means an occupational licensee that is actively involved in dealing a game or assisting with the direct operation of a gambling game.

(3) "Tip count team" means a team comprised of at least two (2) individuals, one (1) of whom shall be a dealer and another a casino cage cashier.

(c) Gaming occupational licensees may accept chips and tokens as a tip or gratuity only in accordance with this rule.

(d) The riverboat licensee or riverboat license applicant shall establish policies for the acceptance of tips and gratuities for gaming and nongaming employees. These policies shall include, at a minimum, the following requirements:

(1) No gaming occupational licensee shall accept currency as a tip or gratuity.

(2) No riverboat gaming operation key person or occupational licensee who serves in a supervisory position shall solicit or accept tips or gratuities from a patron.

(3) No riverboat employee shall solicit any tip or gratuity.

(4) No portion of a winning tip bet is allowed to remain in action. All tip bets won shall be shown to the surveillance camera and then immediately placed in the tip box by the dealer.

(5) Any other policies deemed necessary by the executive director of the commission to ensure compliance with the Act and this title.

(e) A patron may pay for food and beverages with chips or tokens purchased or won by the patron. Chips and tokens received as payment for food and beverages shall be redeemed in accordance with section 4 of this rule. (*Indiana Gaming Commission; 68 IAC 15-9-1; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3335; filed Mar 21, 1997, 10:00 a.m.: 20 IR 2098; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-9-2 Key control over tip boxes

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. The riverboat licensee shall submit procedures relating to the controls over access to the key for removing tips and gratuities in accordance with 68 IAC 11-7. These procedures shall include, at a minimum, the following:

(1) A list of authorized occupational licensees who have access to the key.

(2) A key control log that shall be completed prior to checking out the key. The key control log shall contain, at a minimum, the following information:

(A) The date and time the key is checked out.

(B) The signature of the members of the tip count team who receive the key.

(C) The reason for accessing the key.

(D) The time the key is returned.

(3) Location of where the key will be stored.

(4) Any other procedures deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(*Indiana Gaming Commission; 68 IAC 15-9-2; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3335; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-9-3 Removal, collection, and counting of tip boxes

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) The riverboat licensee shall establish policies and procedures in connection with the removal, collection, and counting of the tip box contents for subsequent distribution to gaming occupational licensees. These policies and procedures shall include, at a minimum, the following:

(1) Tip boxes will be dropped and counted at the end of each day. Surveillance will be notified prior to the emptying of any tip boxes.

(2) Surveillance will be required to tape and monitor the drop and count. The tape will be maintained for a minimum of five

- (5) days. The tape shall be made available to the commission staff or agent upon request.
- (3) The drop and count will be performed once a day by the tip count team in the presence of a security officer.
- (4) The results of the tip count shall be documented on at least a two-part tip and gratuity form and be signed by the tip count team prior to transportation to the casino cage.
- (5) The tips and the original and duplicate copy of the tip and gratuity form shall be transported to a casino cage by the tip count team. The casino cashier, in the presence of the tip count team, shall verify the drop, sign the original and duplicate of the tip and gratuity form, maintain the duplicate for accountability, and return the original to the tip count team.
- (6) The duplicate copy shall be forwarded by the cage to accounting.
- (7) Tips shall be deposited into a bank for pro rata distribution among the employees.
- (8) Distribution of tips and gratuities shall be made following the riverboat licensee's payroll accounting practices and shall be subject to all applicable state and federal withholding taxes.
- (9) Any other policies and procedures deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(b) The riverboat licensee shall establish procedures for the emptying of full tip box containers during the day. The procedures shall include, at a minimum, the following:

- (1) The contents are to be placed in a locked, secured container within the pit area.
- (2) At least two (2) occupational licensees to perform the drop.
- (3) Surveillance shall be notified prior to the drop.
- (4) Procedures for the checking out of the key for access to the tip box. These procedures shall be in accordance with 68 IAC 11-7.
- (5) Any other procedures deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(Indiana Gaming Commission; 68 IAC 15-9-3; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3335; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 15-9-4 Chips and tokens redeemed by nongaming occupational licensees

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) The riverboat licensee shall establish and submit policies and procedures for the redemption of chips and tokens received by nongaming occupational licensees as tips and gratuities or as payment for food and beverages. The riverboat licensee shall allow the redemption of chips and tokens by occupational licensees at only one (1) cage on only one (1) level of the riverboat.

(b) A nongaming occupational license redemption log will be maintained to document the redemption of all chips and tokens by nongaming employees. This log shall include, at minimum, the following:

- (1) Nongaming occupational licensee name.
- (2) Nongaming occupational licensee number.
- (3) Title of the occupational licensee.
- (4) Date and time.
- (5) Dollar amount of chips redeemed.
- (6) Dollar amount of tokens redeemed.
- (7) Total dollar amount of chips and tokens redeemed.
- (8) Any other information deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(Indiana Gaming Commission; 68 IAC 15-9-4; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3336; filed Mar 21, 1997, 10:00 a.m.: 20 IR 2098; filed Jul 10, 2000, 4:48 p.m.: 23 IR 3070; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

Rule 10. Main Bank Responsibilities

68 IAC 15-10-1 Applicability; general provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) The riverboat licensee shall submit policies and procedures that shall describe the location, functions, and controls for all casino cashiering areas. These policies and procedures shall be submitted to and approved by the executive director in accordance with 68 IAC 15-1.

(c) The riverboat licensee shall establish the imprest amount for the main bank. The imprest amount shall be submitted to the executive director at least twenty (20) days before the commencement of gaming operations. (*Indiana Gaming Commission; 68 IAC 15-10-1; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3336; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-10-2 Transactions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. (a) The riverboat licensee shall establish policies and procedures to ensure that all transactions that flow through the casino cage shall be accounted for. These policies and procedures shall include, but are not limited to, the following:

- (1) All transactions shall be recorded on a main bank or vault accountability form or its equivalent on a per shift basis.
- (2) All increases or decreases to the main bank or vault shall be supported by the appropriate documentation.
- (3) At the end of each shift, the cashiers assigned to the outgoing shift shall:
 - (A) record on a main bank or vault accountability form, or its equivalent, the face value of each cage inventory item counted and the total of the opening and closing cage inventories; and
 - (B) reconcile the total closing inventory with the total opening inventory.
- (4) At the conclusion of gaming activity each day, copies of the main bank or vault accountability forms and all supporting documentation shall be forwarded to the accounting department.
- (5) Signature requirements shall be established for outgoing and incoming cashiers.
- (6) Any other policies and procedures deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(b) The riverboat licensee shall establish policies and procedures for the type of transactions to be performed by each casino cashiering area. The following transactions shall be identified by each cage performing the transaction:

- (1) Issuance of markers.
- (2) Receipt of marker payments.
- (3) Cash personal checks and traveler's checks.
- (4) Processing electronic gaming device fills and jackpots.
- (5) Sell chips and tokens.
- (6) Redemption of chips and tokens.
- (7) Acceptance of front money, safekeeping deposits, or both.
- (8) Live gaming device fills and credits.
- (9) Even-money exchanges.
- (10) Acceptance of hard and soft count drops.
- (11) Any other transactions deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(*Indiana Gaming Commission; 68 IAC 15-10-2; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3336; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-10-3 Opening of cage

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 3. The riverboat licensee shall establish policies and procedures for the opening of cages. These policies and procedures shall include, but not be limited to, the following:

- (1) Designation of the individual responsible for checking out the cage key.
- (2) Requirement for signing the key control log in accordance with 68 IAC 11-7.
- (3) Requirement for the on-coming cashier to count the station and agree to the duplicate copy of the cashier drawer check in and out form or the equivalent. If any variances are found, the casino cage supervisor shall be notified and the variance investigated.
- (4) Any other policies and procedures deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(Indiana Gaming Commission; 68 IAC 15-10-3; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3337; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 15-10-4 Closing of cages

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 4. The riverboat licensee shall establish policies and procedures for the closing of cages. These policies and procedures shall include, but are not limited to, the following:

- (1) Requirement that all cages, other than the main bank, vault, or both sell the cash equivalents (checks, markers, or other negotiable instruments) to the main bank or vault for cash.
- (2) The off-going cashier counts the station and records the count on a cage accountability form and signs the form.
- (3) The cage accountability form, along with any overage, is transferred to the main bank or vault and any shortage is paid by the main bank or vault to bring the cage cash to an imprest balance.
- (4) Any other policies and procedures deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(Indiana Gaming Commission; 68 IAC 15-10-4; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3337; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 15-10-4.1 Cage variances

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 4.1. (a) All cage inventories must be accurately reported at the conclusion of each shift on the inventory form utilized by the riverboat licensee. All overages and shortages must be recorded at the conclusion of the shift during which the variance was discovered.

(b) All cage variances of five hundred dollars (\$500) or two percent (2%), whichever is less, must be reported to the following within one (1) business day after the discovery of the variance:

- (1) The security department.
- (2) The surveillance department.
- (3) A commission agent.

(c) All variances of five thousand dollars (\$5,000) or more or a variance of any amount that is of a nature that indicates criminal activity must be reported to the following immediately:

- (1) The security department.
- (2) The surveillance department.
- (3) A commission agent.

These variances must be reported to the commission audit staff at the beginning of the next business day.

(d) All variances of five hundred dollars (\$500) or two percent (2%), whichever is less, or any variance that is of a nature that indicates criminal activity must be investigated by the riverboat licensee. The variance and the results of the investigation must be reported to the head of the accounting department or the equivalent. Any surveillance tapes or records relating to the variance must be preserved and retained by the riverboat licensee until the regional audit administrator for the commission advises the tapes or

records, or both, may be recycled. The results of any investigation into these variances must be reported to a commission agent. If the variance that was investigated exceeded five thousand dollars (\$5,000), the results of the investigation must also be reported to the commission audit staff.

(e) The riverboat licensee's internal auditor must review, on a quarterly basis, cage variances to ensure that the variances are appropriately and thoroughly investigated and reported. The results of the internal auditor's review must be reflected on the quarterly internal audit report filed in accordance with 68 IAC 15-8. (*Indiana Gaming Commission; 68 IAC 15-10-4.1; filed Jun 19, 2000, 10:34 a.m.: 23 IR 2702; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-10-5 Even exchanges

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 5. The riverboat licensee shall establish policies and procedures for the even exchange of funds between two (2) casino cashiering areas or between a casino cashiering area and token and change banks, which shall include the following:

- (1) A designation of the occupational licensee who may process the even exchange transaction.
- (2) A description of the even exchange form and the required information and signatures. The form shall be at least a two (2) part form.
- (3) A description of the distribution of each part of the form.
- (4) Types of items allowed to be exchanged.
- (5) Requirement that security personnel must accompany the transfer of the funds between locations.
- (6) Any other policy or procedure deemed necessary by the executive director or commission to ensure compliance with the Act and this title.

(*Indiana Gaming Commission; 68 IAC 15-10-5; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3337; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-10-6 Token and change banks

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 6. The riverboat licensee shall establish policies and procedures for the control of token and change banks by the main bank or vault. These banks shall be on an imprest basis. (*Indiana Gaming Commission; 68 IAC 15-10-6; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3338; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-10-7 Token dispensing machines

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 7. The riverboat licensee shall establish policies and procedures for the control of token dispensing machines. These procedures shall include, but are not limited to, the following:

- (1) Description of the procedures for the reimpression of the machines.
- (2) Designation of the occupational licensees who shall reimpress the machine.

(*Indiana Gaming Commission; 68 IAC 15-10-7; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3338; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-10-8 Overages and shortages of cages

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 8. The riverboat licensee shall establish policies and procedures concerning any overages and shortages in closing out the cages. These policies and procedures shall include the requirements for documentation and investigation of overages and

shortages. (*Indiana Gaming Commission; 68 IAC 15-10-8; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3338; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-10-9 Cash deposits

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 9. The riverboat licensee shall establish policies and procedures for the preparation and deposit of funds to the bank. (*Indiana Gaming Commission; 68 IAC 15-10-9; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3338; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 11. Electronic Gaming Device Hopper Fills and Credits

68 IAC 15-11-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 1. (a) This rule applies to riverboat licensees.

(b) Electronic gaming device hopper fills shall be conducted in compliance with this rule.

(c) Hopper fill slips may be generated manually or by computer.

(d) As used in this rule, "security officer" means an individual employed by the riverboat licensee to provide security services for the riverboat gambling operation. (*Indiana Gaming Commission; 68 IAC 15-11-1; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3307; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-11-2 Policies and procedures

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. (a) In accordance with 68 IAC 15-1-3, the riverboat licensee or riverboat license applicant shall submit policies and procedures covering electronic gaming device fills.

(b) The policies and procedures for electronic gaming device fills shall include, but are not limited to, the following areas:

(1) The 3-part form or forms that will be utilized to document an electronic gaming device fill.

(2) The manner in which manual electronic gaming device fills will be processed if it differs from the way that computer generated electronic gaming device fills will be processed.

(3) The title and occupational license level of the individuals who may participate in an electronic gaming device fill as the slot attendant.

(4) The manner in which the tokens will be transported to an electronic gaming device for purposes of an electronic gaming device fill.

(5) Whether or not the riverboat licensee will utilize a hopper fill booth. If a hopper fill booth is utilized, the riverboat licensee must submit the following information with respect to the hopper fill booth:

(A) The structural plans for the hopper fill booth.

(B) The security measures that will be utilized to safeguard the hopper fill booth.

(C) The hours that the hopper fill booth will be staffed.

(D) The surveillance coverage that will monitor the hopper fill booth.

(6) The manner in which the copies of the electronic gaming device fill slips will be reconciled.

(7) The manner in which the riverboat licensee will handle live gaming device fill slips that do not match the denomination and amount of tokens that were to be transported to the electronic gaming device.

(8) The department that will be responsible for notifying surveillance that an electronic gaming device fill is being processed.

(c) A multiple-part hopper fill slip must be generated before a hopper fill can be completed. Hopper fill slips generated by computer must be prenumbered forms that are sequentially numbered. Hopper fill slips that are generated manually must be

prenumbered forms that are sequentially numbered. The hopper fill slip must contain, at a minimum, the following information:

- (1) The name of the riverboat licensee.
- (2) The date and time.
- (3) The electronic gaming device number and denomination.
- (4) An indication that the transaction is a hopper fill or credit.
- (5) The amount of the hopper fill in both alphabetical and numerical form.
- (6) The name, occupational license number, and signature of the slot attendant and casino cashier who complete the hopper fill or credit.
- (7) If the transaction was a hopper credit, the reason the electronic gaming device is being removed from play.
- (8) An indication that the hopper fill slip was generated manually or by computer.

(Indiana Gaming Commission; 68 IAC 15-11-2; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3307; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 15-11-3 Hopper fill procedure

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) Hopper fills shall proceed in the following manner:

- (1) Surveillance shall be notified that an electronic gaming device fill is being processed.
- (2) Based on the information contained on the hopper fill slip, the casino cashier shall present the proper number and denomination of tokens to the slot attendant.
- (3) The slot attendant shall ensure that the number and denomination of tokens presented by the casino cashier matches the information contained on the hopper fill slip.
- (4) After the slot attendant and the casino cashier ensure the tokens presented matches [*sic., match*] the information contained on the hopper fill slip, both the slot attendant and the casino cashier shall sign the hopper fill slip.
- (5) The casino cashier retains the original copy of the hopper fill slip and issues remaining copies to the slot attendant.
- (6) A security officer shall escort the slot attendant from the cage to the appropriate electronic gaming device. The security officer who begins the electronic gaming device fill must complete the process of witnessing, escorting, and signing the appropriate documentation to verify the electronic gaming device fill was completed. If there is a discrepancy with the electronic gaming fill, the same security officer who began the electronic gaming fill must accompany the fill back to the cage to resolve the discrepancy.
- (7) Utilizing the appropriate key obtained in compliance with 68 IAC 11-7, the slot technician shall access the hopper of the appropriate electronic gaming device. The slot attendant shall fill the hopper while being observed by the security officer. After witnessing the completion of the hopper fill, the security officer shall sign and complete the appropriate sections of the hopper fill slip.
- (8) The remaining copies of the completed hopper fill slip shall be deposited into a locked accounting box so that it will not be available to members of the electronic gaming device team.

(b) The copies of the completed hopper fill slip shall be utilized by the casino cashier or appropriate department to balance the cage. All completed hopper fill slips shall be verified by the accounting department and utilized to complete the hard count.

(c) If a hopper fill slip was erroneous, it shall be voided and a new hopper fill slip generated. The person voiding the hopper fill slip shall indicate the reason the hopper fill slip was voided and sign the slip. Any voided hopper fill slip shall be retained and deposited into the locked accounting box. *(Indiana Gaming Commission; 68 IAC 15-11-3; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3308; filed Jul 10, 2000, 4:46 p.m.: 23 IR 3063; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 15-11-3.1 Reserve hopper fill requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-13

Sec. 3.1. (a) Riverboat licensees may utilize a reserve hopper compartment to complete electronic gaming device hopper fills for electronic gaming devices of denominations of five dollars (\$5) or less. The riverboat licensee shall submit internal control

procedures for the completion of electronic gaming device hopper fills utilizing reserve hopper compartments in accordance with 68 IAC 15-1-3. The information set forth in section 2 of this rule must be contained in the internal control procedures.

(b) The riverboat licensee may not deduct the dollar amount of tokens required to complete the initial fill of the reserve hopper compartments for purposes of computing the wagering tax in accordance with IC 4-33-13 and 68 IAC 15-5.

(c) The reserve hopper compartment of an electronic gaming device cabinet must be a locked compartment that is not accessible to or from the drop bucket compartment. A different key must be utilized to access the reserve hopper compartment. The key must access only the reserve hopper compartment. The key to the reserve hopper compartment must be maintained in accordance with 68 IAC 11-7.

(d) The contents of a reserve hopper compartment may only be used to fill the hopper of the electronic gaming device attached to the stand in which the reserve hopper compartment is located. Only one (1) fill for a hopper may be maintained in a reserve hopper compartment at a time. The bags utilized in the reserve hopper compartments must be identifiable to and utilized in only one (1) electronic gaming device.

(e) The following procedures must be followed when a riverboat licensee utilizes reserve hopper fill compartments:

(1) Surveillance must be verbally notified prior to the completion of a hopper fill from the reserve hopper compartment. Surveillance shall note that it has been verbally notified.

(2) A security officer must be present when a slot technician or the equivalent removes the hopper fill from the reserve hopper compartment and empties it into the electronic gaming device hopper. The security officer who begins the reserve hopper fill must complete the process of witnessing, escorting, and signing the appropriate documentation to verify the reserve hopper fill was completed. If there is a discrepancy with the reserve hopper fill, the same security officer who began the reserve hopper fill must accompany the fill back to the cage to resolve the discrepancy.

(3) The riverboat licensee shall maintain a log that is completed to document that a fill has been taken from the reserve hopper compartment and placed in the electronic gaming device hopper. The log must contain, at a minimum, the following information:

(A) The date and time the transaction occurs.

(B) The name and occupational license number of the individual completing the fill from the reserve hopper compartment.

(C) The name and occupational license number of the security officer who witnessed the transaction.

(4) The riverboat licensee must include in the internal controls a method to track hopper fills that are completed to replenish the reserve hopper compartment.

(5) Reserve hopper compartments must be replenished with a new fill prior to the gaming day following the gaming day on which the electronic gaming device was filled from the reserve hopper compartment.

(Indiana Gaming Commission; 68 IAC 15-11-3.1; filed Aug 20, 1997, 7:11 a.m.: 21 IR 20; errata filed Nov 17, 1997, 3:45 p.m.: 21 IR 1347; filed Jul 10, 2000, 4:46 p.m.: 23 IR 3064; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 15-11-4 Procedure for closing out an electronic gaming device hopper

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) When a riverboat licensee removes an electronic gaming device from the riverboat, the riverboat licensee must follow the procedures set forth in 68 IAC 17-1 and in subsection (b).

(b) The following procedures must be followed when a riverboat licensee removes an electronic gaming device from the riverboat:

(1) An electronic gaming device credit form shall be completed by the appropriate occupational licensee.

(2) Surveillance shall be notified that an electronic gaming device is being removed from the riverboat and that an electronic gaming device credit is being processed. The process shall be monitored.

(3) The contents of the hopper must be diverted into a drop bucket.

(4) The contents of the drop bucket must be collected as part of the drop bucket collection process in accordance with 68 IAC 11-2.

(5) The contents of the drop bucket should be counted as part of the hard count process in accordance with 68 IAC 11-2.

(6) The riverboat licensee is entitled to a credit in the amount of total value of the tokens that were utilized to initially fill the

hopper of the electronic gaming device. No subsequent hopper fills may be taken as a credit. (Indiana Gaming Commission; 68 IAC 15-11-4; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3308; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

Rule 12. Live Gaming Device Fills and Credits

68 IAC 15-12-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 1. (a) This rule applies to riverboat licensees.

(b) Live gaming device fills shall be conducted in compliance with this rule.

(c) Live gaming device fills may be generated manually or by computer. (Indiana Gaming Commission; 68 IAC 15-12-1; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3309; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 15-12-2 Policies and procedures

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. (a) In accordance with 68 IAC 15-1-3, the riverboat licensee or riverboat license applicant shall submit policies and procedures covering live gaming device fills and credits.

(b) The policies and procedures for live gaming device fills and credits shall include, but are not limited to, the following areas:

- (1) The title of the occupational licensee that may generate a live gaming device fill or credit, or both.
- (2) The multiple-part form or forms that will be utilized to document a live gaming device fill or credit.
- (3) The manner in which manual live gaming device fills and credits will be processed if it differs from the way that computer-generated live gaming device fills and credits will be processed.
- (4) The manner in which the chips or tokens, or both, will be transported to or from the live gaming device for purposes of a live gaming device fill or credit.
- (5) The manner in which the copies of the live gaming device fill or credit slip will be reconciled.
- (6) The level of occupational licensee who may verify the chips or tokens, or both, that are received at a live gaming device.
- (7) The titles of the occupational licensee who will be responsible for transporting live gaming device credit slips from the casino cage to the appropriate pit area.
- (8) The manner in which the riverboat licensee will handle live gaming device fill or credit slips that do not match the denomination and amount of chips or tokens, or both, that are received in the pit area or the casino cage.
- (9) The department that shall be responsible for notifying surveillance that a live gaming device fill is being processed.

(c) The riverboat licensee may utilize an input form within the pit area to initiate a live gaming device fill or credit. The input form shall, at a minimum, include the following information:

- (1) The name of the riverboat licensee.
- (2) The date and time the input form is generated.
- (3) The shift and pit number.
- (4) The live gaming device type and number that needs the fill or credit.
- (5) The denomination and total of all chips or tokens, or both, that are requested for the fill or credit.
- (6) The total dollar amount of all chips or tokens, or both, that are requested as a fill or credit.
- (7) Whether the transaction is a fill or credit.
- (8) The name and occupational license number of the individual generating the input form. If a hard copy of the input form is printed, the signature of the individual generating the input form.

(d) A 3-part live gaming device fill or credit slip must be generated from the information contained in the input form before a live gaming device fill or credit can be completed. Live gaming device fill or credit slips that are generated by a computer must be prenumbered forms that are sequentially numbered. Live gaming device fill or credit slips that are generated manually must be

prenumbered forms that sequentially numbered. The live gaming device fill or credit slip must be on a form prescribed or approved by the commission. The live gaming device fill or credit slip must contain, at a minimum, the following information:

- (1) The name of the riverboat licensee.
- (2) The date and time the live gaming device fill or credit slip is generated.
- (3) The shift and pit number.
- (4) The live gaming device type and number that needs the fill or credit.
- (5) The denomination and total of all chips or tokens, or both, that are requested as a fill or credit.
- (6) The total dollar amount of all chips or tokens, or both, that are being requested as a fill or credit.
- (7) Whether the transaction is a fill or a credit.
- (8) The name, occupational license number, and signature of the occupational licensees who are involved in completing the fill or credit.

(Indiana Gaming Commission; 68 IAC 15-12-2; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3309; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 15-12-3 Live gaming device fill procedures

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) Live gaming device fills shall proceed in the following manner:

- (1) The appropriate occupational licensee shall initiate a live gaming device fill by completing an input form. The input form is either carried to the casino cage or the information is electronically transmitted to the casino cage.
- (2) The input form is utilized to prepare and print a live gaming device fill slip.
- (3) Surveillance shall be notified that a live gaming device fill is being processed.
- (4) Based on the information contained on the fill slip, the casino cashier shall prepare the proper denomination and amount of chips or tokens, or both, and sign the fill slip. The casino cashier shall sign the fill slip, summon a security officer, and present the chips or tokens, or both, and the fill slip to the security officer.
- (5) The security officer must verify that the denomination and amount of chips or tokens, or both, match the amount on the fill slip. The security officer shall sign the fill slip after verifying the chips or tokens, or both, match the fill slips. The security officer who begins the live gaming device fill must complete the process of witnessing, escorting, and signing the appropriate documentation to verify the live gaming device fill was completed. If there is a discrepancy with the live gaming device fill, the same security officer who began the live gaming device fill must accompany the fill back to the cage to resolve the discrepancy.
- (6) The casino cashier shall retain one (1) copy of the fill slip in the casino cage.
- (7) The security officer shall transport the chips or tokens, or both, to the appropriate pit area.
- (8) The appropriate level of occupational licensee shall count the chips or tokens, or both, that are received as a live gaming device fill to ensure the denomination and amounts received match the amount and denomination reflected on the fill slip.
- (9) If the amounts in subdivision (7) agree, the occupational licensee who counted fill shall sign the fill slip. The pit supervisor or the equivalent shall also sign the fill slip. A copy of the fill slip or the original shall be inserted into the drop box of the live gaming device that received the fill. A copy of the fill slip or the original fill slip shall be returned to the casino cage.
- (10) If the amounts in subdivision (7) do not agree, the fill slip shall not be signed and the discrepancy shall be resolved in accordance with the policy and procedure submitted in accordance with section 2(b)(8) of this rule. Surveillance shall be notified and the security officer shall return the chips or tokens, or both, and the fill slip to the casino cage.

(b) The copies of the completed live gaming device fill slip shall be utilized by the casino cashier or appropriate department to balance the cage. All completed live gaming device fill slips shall be utilized to complete the soft count.

(c) If a live gaming device fill slip was erroneous, it shall be voided and a new live gaming device fill slip generated. The person voiding the fill slip shall indicate the reason the slip was voided and sign the slip. Any voided live gaming device fill slip shall be retained and deposited into a locked accounting box. *(Indiana Gaming Commission; 68 IAC 15-12-3; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3310; filed Jul 10, 2000, 4:46 p.m.: 23 IR 3064; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 15-12-4 Live gaming device credit procedures

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. Live gaming device credits shall proceed in the following manner:

- (1) The appropriate occupational licensee shall initiate a live gaming device credit by completing an input form. The input form is either carried to the casino cage or the information is electronically transmitted to the casino cage.
- (2) The input form is utilized to prepare and print a live gaming device credit slip.
- (3) Surveillance shall be notified that a live gaming device credit is being processed.
- (4) The live gaming device credit slip shall be transported or transmitted to the appropriate pit area.
- (5) A security officer shall be called to the pit area to observe that the appropriate denomination and amount of chips or tokens, or both, to complete the live gaming device credit are counted and removed from the live gaming device. A pit supervisor or the equivalent shall also observe the removal of the appropriate chips or tokens, or both. After the appropriate chips or tokens, or both, are removed from the live gaming device, the credit slip shall be signed by the following individuals:
 - (A) The occupational licensee who removed the chips or tokens, or both.
 - (B) The pit supervisor or the equivalent who observed the removal of the chips or tokens, or both.
 - (C) The security officer who observed the removal of the chips or tokens, or both, and who will transport the chips or tokens, or both, to the casino cage.

The security officer who begins the live gaming device credit must complete the process of witnessing, escorting, and signing the appropriate documentation to verify the live gaming device credit was completed. If there is a discrepancy with the live gaming device credit, the same security officer who began the live gaming device credit must accompany the live gaming device credit back to the live gaming device or the cage to resolve the discrepancy.

- (6) A copy of the live gaming device credit slip shall be retained at the table from which the chips or tokens, or both, were removed.
- (7) The security officer shall transport the chips or tokens, or both, to the casino cage.
- (8) In the presence of the security officer, the casino cashier shall verify that the denominations and amounts of chips or tokens, or both, match the information contained on the credit slip.
- (9) If the amounts in subdivision (8) agree, the casino cashier shall sign the credit slip. A copy of the credit slip or the original shall be retained by the casino cashier. A copy of the credit slip or the original credit slip is returned to the live gaming device from which the chips or tokens, or both, were removed.
- (10) The original credit slip and the duplicate credit slip that was retained at the live gaming device are matched and deposited into the live gaming device drop box.
- (11) If the amounts in subdivision (8) do not agree, the credit slip shall not be signed by the casino cashier and the discrepancy shall be resolved in accordance with the policy and procedure submitted in accordance with section 2(b)(8) of this rule. Surveillance shall be notified and the security officer shall return the chips or tokens, or both, to the appropriate live gaming device.

(Indiana Gaming Commission; 68 IAC 15-12-4; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3310; filed Jul 10, 2000, 4:46 p.m.: 23 IR 3065; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

Rule 13. Manually Paid Jackpots

68 IAC 15-13-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) Manually paid jackpots shall be conducted in compliance with this rule.

(c) Manually paid jackpot slips may be handwritten or generated by computer.

(d) As used in this rule, "short pay" means a jackpot that is manually paid to the patron because the electronic gaming device hopper does not have a sufficient number of tokens to complete the payment of the jackpot. *(Indiana Gaming Commission; 68 IAC*

15-13-1; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3311; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 15-13-2 Manually paid jackpot procedures

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) In accordance with 68 IAC 15-1-3, the riverboat licensee or riverboat license applicant shall submit policies and procedures covering manually paid jackpots.

(b) The policies and procedures for manually paid jackpots shall include, but not be limited to, the following areas:

(1) The manner in which the slot attendant will verify the validity of the jackpot.

(2) The 3-part form that will be used to document a manually paid jackpot.

(3) The manner in which the process for manually paid jackpots will differ if the form is handwritten rather than generated by computer.

(4) Any deviation in the level of occupational licensee or job title of those individuals who can participate in the processing of a manually paid jackpot for specified dollar amounts.

(5) Any instances when surveillance will photograph the patron other than in accordance with 68 IAC 15-2-3 or 68 IAC 15-2-6.

(c) A 3-part jackpot paid slip must be generated before a jackpot can be manually paid. Manually paid jackpot slips must be prenumbered forms that are sequentially numbered. The manually paid jackpot slip must contain, at a minimum, the following information:

(1) The name of the riverboat licensee.

(2) The date and time the manually paid jackpot form was generated.

(3) The electronic gaming device number and denomination.

(4) The location of the electronic gaming device.

(5) The amount of the jackpot in alphabetical and numerical form.

(6) The name, occupational license number, and signature of the slot attendant and casino cashier who complete the manually paid jackpot.

(7) An indication of whether the manually paid jackpot is to pay a jackpot that exceeds the payout capability of the electronic gaming device or a short pay.

(d) Manually paid jackpots shall proceed in the following manner:

(1) The jackpot shall be verified in accordance with the policies and procedures submitted under subsection (b)(1).

(2) Based on the information contained on the manually paid jackpot slip, the casino cashier shall present the proper amount of cash to the slot attendant.

(3) The slot attendant shall ensure that the amount of cash presented by the casino cashier matches the information contained on the manually paid jackpot slip.

(4) After the slot attendant and the casino cashier ensure the cash presented matches the information contained on the manually paid jackpot slip, both the slot attendant and the casino cashier shall sign the manually paid jackpot slip.

(5) The casino cashier shall retain the original copy of the manually paid jackpot slip and issue remaining copies to the slot attendant.

(6) A security officer shall escort the slot attendant from the cage to the appropriate electronic gaming device. The security officer who begins completing the manually paid jackpot must complete the process of witnessing, escorting, and signing the appropriate documentation to verify the manually paid jackpot was completed. If there is a discrepancy with the manually paid jackpot, the same security officer who began the manually paid jackpot must accompany the manually paid jackpot back to the cage to resolve the discrepancy.

(7) After arriving at the appropriate electronic gaming device, the security officer shall verify the jackpot, witness the jackpot payout to the patron, and complete the appropriate sections of the manually paid jackpot slip.

(8) The slot attendant shall reset the electronic gaming device so that play on the electronic gaming device may continue. The electronic gaming device shall be relocked after it is cleared. The security officer shall remain present throughout this procedure.

(9) One (1) copy of the completed manually paid jackpot slip shall be deposited into a locked accounting box so that it will

not be available to slot attendants or other persons who participate in manually paid jackpots.

(10) The remaining copy of the completed manually paid jackpot slip shall be returned to the casino cage.

(e) The copies of the completed manually paid jackpot slips shall be utilized by the casino cashier or appropriate department to balance the cage. All completed manually paid jackpot slips shall be utilized to complete the hard count and shall be verified by the accounting department.

(f) If a manually paid jackpot slip is erroneous, it shall be voided and a new manually paid jackpot slip generated. The person voiding the manually paid jackpot slip shall indicate the reason the manually paid jackpot slip was voided and sign the slip. Any voided manually paid jackpot slip shall be retained and deposited into the locked accounting box.

(g) If a manually paid jackpot exceeds three thousand dollars (\$3,000), the appropriate multiple transaction log must be completed in accordance with 68 IAC 15-2-3.

(h) If a manually paid jackpot exceeds ten thousand dollars (\$10,000), the appropriate currency transaction report must be completed in accordance with 68 IAC 15-2-6. (*Indiana Gaming Commission; 68 IAC 15-13-2; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3311; filed Jul 10, 2000, 4:46 p.m.: 23 IR 3066; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-13-3 Internal Revenue Service filings

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. If a manually paid jackpot exceeds one thousand two hundred dollars (\$1,200), the riverboat licensee shall complete and file all forms required by the Internal Revenue Service. (*Indiana Gaming Commission; 68 IAC 15-13-3; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3312; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 14. Financial Statement Audits

68 IAC 15-14-1 Applicability; general provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) Annually, each riverboat licensee shall undergo an audit of the annual financial statements of the riverboat licensee.

(b) The riverboat licensee shall recommend an independent certified public accountant to perform the audit. The independent certified public accountant or independent certified public accounting firm must be licensed in Indiana. The executive director or the executive director's designee must approve of the selection of the independent certified public accountant prior to the commencement of a contract between the accountant and the riverboat licensee.

(c) The audit shall be performed in accordance with generally accepted accounting principles and contain the opinion of the independent certified public accountant as to its fair presentation in accordance with such generally accepted accounting principles.

(d) Audits required by this section shall be prepared at the expense of the riverboat licensee. (*Indiana Gaming Commission; 68 IAC 15-14-1; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1073; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 15-14-2 Qualifications

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. An independent certified public accountant or independent certified public accounting firm selected to perform a financial statement audit shall meet the following qualifications and shall be required to affirm that they meet these qualifications as part of a written agreement with the riverboat licensee to perform the audit:

(1) Be independent with respect to the entity, its parents, and investors. Standards of independence are to be determined by pronouncements of the American Institute of Certified Public Accountants and the Securities and Exchange Commission.

(2) Licensed to practice in Indiana.

(3) Have sufficient experience in the gaming industry or related industries.

(4) Have an adequate number of professional personnel to meet the requirements of the engagement in a timely and efficient

manner.

(Indiana Gaming Commission; 68 IAC 15-14-2; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1073; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 15-14-3 Conditions of engagements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. An independent certified public accountant or independent certified public accounting firm selected to perform a financial statement audit shall agree to abide by the following conditions of engagement, which shall be stated in a written agreement with the riverboat licensee to perform the audit:

- (1) Inform the commission with respect to material errors and irregularities, or illegal acts that come to their attention during the course of the audit.
- (2) Inform the commission in writing of matters that come to their attention that represent significant deficiencies in the design or operation of the internal control structure.
- (3) Provide each member of the professional training staff assigned to the engagement a minimum of sixteen (16) hours of training in the gaming industry.
- (4) Retain and make available to the commission personnel or their authorized representatives all reports, working papers (current and permanent files), audit programs, tax returns, and other information relating to engagements for a period of five (5) years after completion of the engagement.
- (5) Respond timely to all reasonable requests of successor auditors.
- (6) Submit peer review reports to the commission.
- (7) Have all engagement letters approved by the commission prior to undertaking assignments.
- (8) Send copies of all reports and management letters directly to the commission in compliance with this rule.
- (9) At the conclusion of the engagement, provide management and the commission, in a mutually agreeable format, recommendations designed to help the entity make improvements in its internal control structure and operation, and other matters that are discovered during the audit.

(Indiana Gaming Commission; 68 IAC 15-14-3; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1073; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 15-14-4 Special audits

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. To assure the integrity of gaming, compliance with the Act and the rules of the commission, the commission may require, at any time, a special audit of a riverboat owner to be conducted by an independent certified public accountant who is, or whose firm is, licensed in Indiana. The commission shall establish the scope, procedures, and reporting requirements of such an audit. *(Indiana Gaming Commission; 68 IAC 15-14-4; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1074; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

ARTICLE 16. CREDIT

Rule 1. General Provisions

68 IAC 16-1-1 Applicability; general provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to riverboat licensees and riverboat license applicants.

(b) The following definitions apply throughout this article:

- (1) "Front money" means a patron deposit that is used in lieu of credit to guarantee payment of a marker issued.
- (2) "Marker" means a document, signed by the patron, evidencing an extension of credit to the patron by the riverboat licensee.
- (3) "Picture identification" means a driver's license or other piece of identification issued by a governmental entity that has a picture of the individual on the document.
- (4) "RG-1" means the Daily Adjusted Gross Receipts and Tax Remittance form.

(Indiana Gaming Commission; 68 IAC 16-1-1; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3312; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 16-1-2 Purpose

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. (a) The purpose of requiring submission of procedures for extending credit is to ensure the following:

- (1) That markers issued by riverboat licensees are done so only in accordance with the specific or general authorization of the Act and this article.
- (2) That the functions, duties, and responsibilities are appropriately segregated and performed in accordance with sound practices by competent, qualified personnel, and no employee of the riverboat licensee is in a position to perpetuate and conceal errors or irregularities in the normal course of his or her duties.
- (3) That procedures are conducted with:
 - (A) integrity; and
 - (B) in accordance with the Act and this title.

(b) The riverboat licensee shall be responsible for establishing policies and procedures to extend credit to patrons. The policies and procedures shall provide that each credit transaction is promptly and accurately recorded. *(Indiana Gaming Commission; 68 IAC 16-1-2; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3312; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 16-1-3 Submission of extension of credit procedures

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 3. (a) The riverboat licensee or riverboat license applicant shall be required to submit procedures for extending credit to the executive director or the executive director's designee. The procedures for extending credit must be submitted in accordance with this rule.

- (b) All procedures for extending credit must comply with the Act and this title.
- (c) Submission of extension of credit procedures shall be handled in the following manner:
 - (1) When called for in this article, the riverboat licensee or riverboat license applicant shall submit procedures for extending credit to the executive director or designee at least sixty (60) days prior to the commencement of gaming operations.
 - (2) No procedures for extending credit may be utilized by a riverboat licensee or riverboat license applicant unless the procedures for extending credit have been submitted, in writing, to the executive director or designee.
 - (d) The executive director may disapprove any portion of the policies or procedures concerning the extension of credit. If the executive director disapproves a policy or procedures concerning the extension of credit, the executive director must notify the riverboat licensee, in writing, of the disapproval. The riverboat licensee may not utilize any policy or procedure concerning the extension of credit if that policy or procedure has been disapproved.

(e) Access to the credit information, outstanding credit instruments, and credit instruments that have been written off are restricted to those occupational licensees who require access and are so authorized by management. *(Indiana Gaming Commission; 68 IAC 16-1-3; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3312; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 16-1-4 Amendments to procedures for extending credit

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 4. (a) Amendments to procedures for extending credit shall be handled in the following manner:

(1) Amendments to any portion of the procedures for extending credit must be submitted to the executive director at least forty-five (45) days prior to the utilization of the procedures for extending credit.

(2) No amendment to procedures for extending credit may be utilized by the riverboat licensee unless the amendments to the procedures for extending credit have been submitted, in writing, to the executive director.

(b) The executive director may disapprove any portion of an amendment to the policies or procedures concerning the extension of credit. If the executive director disapproves an amendment, the executive director must notify the riverboat licensee, in writing, of the disapproval. The riverboat licensee may not utilize any amendment that has been disapproved. (*Indiana Gaming Commission; 68 IAC 16-1-4; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3313; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 16-1-5 Application of credit

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. (a) In accordance with section 3 of this rule, the riverboat licensee or riverboat license applicant shall submit the procedures for establishing credit to the commission. Procedures for establishing credit shall, at a minimum, include the following:

(1) A credit file shall be completed and maintained for each patron to whom credit is extended. This file shall include, at a minimum, the following:

(A) A credit application, including, but not limited to, the following:

- (i) Patron's name.
- (ii) Requested credit line.
- (iii) Current home address.
- (iv) Home telephone number.
- (v) Date of birth.
- (vi) Place of employment and position held.
- (vii) The employer's address and telephone number.
- (viii) The patron's bank address.
- (ix) The checking accounting number.
- (x) Social Security number.

(B) Authorized credit limit.

(C) A photocopy of patron's identification.

(D) A history of all credit issued to the patron and payments received or written off by the riverboat licensee.

(E) Verification of credit application and approval of credit establishment.

(2) Procedures for verification of credit application.

(3) Procedures for review and approval of the credit limit for the patron.

(4) Procedures to increase or decrease an established credit line.

(5) Any other procedures deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(b) A riverboat licensee shall not extend credit to any patron who has not made a payment on the patron's outstanding credit within a period of thirty (30) days. (*Indiana Gaming Commission; 68 IAC 16-1-5; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3313; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 16-1-6 Verification of credit

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 6. Verification of the patron's outstanding indebtedness, as required by section 5(a) of this rule, shall be performed by contacting a consumer credit bureau that is reasonably likely to possess information concerning the patron, to the extent such consumer credit bureau is available, and a casino credit bureau to determine whether the patron has any liabilities or if there is any derogatory information concerning the patron's credit history. Such contact shall be considered a verification of the outstanding

indebtedness provided by the patron. If such contact is not immediately possible, the riverboat licensee may use an alternative source that has made the required contact. The riverboat licensee shall record the source of verification and the method by which such verification was performed in the patron's credit file. If neither credit bureau has information relating to a patron's outstanding indebtedness, this information must be recorded in the patron's credit file. (*Indiana Gaming Commission; 68 IAC 16-1-6; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3313; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 16-1-7 Issuance of markers

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 7. Procedures shall be established for the computerized and manual issuance of markers, including, at a minimum, the following:

- (1) A designation of those occupational licensees who are authorized to issue markers and a description of their duties.
- (2) A description of where markers can be issued.
- (3) A description of the marker and the information and signatures required to authorize the marker. Requirements for the marker shall be as follows:
 - (A) At least a three (3) part, prenumbered form. The form shall be submitted to the executive director prior to its use.
 - (B) Shall include, but not be limited to, the following information:
 - (i) Patron's name.
 - (ii) Dollar amount of the marker.
 - (iii) Casino cage marker number.
 - (iv) Current time and date.
 - (v) The required signatures.
- (4) A description of the distribution of each part of the marker.
- (5) Verification of the patron's identity via identification credentials prior to the issuance of the marker.
- (6) Verification of available credit.
- (7) A description of the recording of the credit transaction.
- (8) A description of accountability and control over the markers.
- (9) A log shall be maintained identifying the information in subdivisions (1) through (8) for at least five (5) years.
- (10) A copy of the original marker shall be maintained for at least one (1) year.
- (11) Any other information deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(*Indiana Gaming Commission; 68 IAC 16-1-7; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3314; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 16-1-8 Receipt of payments

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 8. The riverboat licensee shall establish policies and procedures to ensure that all payments received on outstanding credit instruments are recorded in a timely fashion. These procedures shall, at a minimum, include the following:

- (1) A description of the procedure for processing payments received by the riverboat licensee in any manner.
- (2) The adoption of a three (3) or more part redemption marker form that describes, in detail, the full or partial payment or redemption of a marker.
- (3) Requirements for the consolidation of markers.
- (4) A detailed description of the distribution of all parts of redeemed and consolidated markers and redemption vouchers.

(*Indiana Gaming Commission; 68 IAC 16-1-8; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3314; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 16-1-9 Front money deposits

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 9. (a) The riverboat licensee shall establish procedures in connection with front money and safekeeping deposits. The riverboat licensee must ensure that all applicable currency transaction reporting requirements will be enforced in accordance with applicable state and federal law and 68 IAC 15-2.

(b) The following may be accepted from patrons for the purpose of customer deposits:

- (1) Cash or cash equivalent.
- (2) Value chips issued by the riverboat licensee.
- (3) Tokens issued by the riverboat licensee.

(c) The riverboat licensee shall require a credit file to be completed in accordance with section 5(a) of this rule prior to accepting a deposit or front money.

(d) Deposits or withdrawals shall be documented on a voucher that is at least a two (2) part, prenumbered form. The voucher shall be completed by the casino cage cashier and shall include, at minimum, the following information:

- (1) Patron's name and signature.
- (2) Date of receipt or disbursement.
- (3) Amount of deposit.
- (4) Type of deposit.
- (5) Casino cashier's signature.

(e) The riverboat licensee shall be liable, as an insurer, for all collection activities on the debt of a patron, whether such activities occur in the name of the riverboat licensee or a third party.

(f) The riverboat licensee shall provide to the executive director a monthly report detailing, at a minimum, the following:

- (1) Outstanding credit.
- (2) Checks returned and held.
- (3) Collection activities taken.
- (4) Settlement of disputed items.

(g) The following must be deposited no later than the business day after the day the checks are received:

- (1) Personal checks.
- (2) Cashier's checks.
- (3) Money orders.
- (4) Credit card advance checks.
- (5) Traveler's checks.
- (6) Wire transfer service checks.

(Indiana Gaming Commission; 68 IAC 16-1-9; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3314; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 16-1-10 Check cashing

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 10. (a) The riverboat licensee shall establish policies and procedures in connection with cashing checks by the riverboat licensee. Only personal checks, cashier's checks, money orders, credit card advance checks, traveler's checks, and wire transfer service checks may be cashed by the riverboat licensee.

(b) The riverboat licensee shall require that any patron who cashes checks in the aggregate of five hundred dollars (\$500) or more over a seven (7) day period have established check cashing privileges. The riverboat licensee shall establish check cashing privileges and limits that shall, at a minimum, incorporate the procedures established in section 5 of this rule.

(c) For all checks cashed, the following procedures shall be followed:

- (1) Examine the patron's picture identification and compare signature on the identification credential to the signature on the check to ensure agreement. If the signatures do not match, the riverboat licensee shall not extend credit to the patron.

(2) Immediately stamp the check "for deposit only".

(3) Date and time stamp the check.

(4) Initial the check.

(5) Count out, in full public view and in the view of the surveillance camera, the funds requested by the patron.

(d) If personal checks are cashed, the cashier shall perform the procedures outlined in subsection (c) and the following additional procedures:

(1) Record the picture identification number if the check is under five hundred dollars (\$500) and no check cashing privileges have been established by the patron.

(2) Determine if the patron's available credit is sufficient to cover the amount of the personal check, if applicable.

(3) No personal checks may be cashed if the patron has a balance outstanding, due to checks previously cashed by the riverboat licensee, for more than thirty (30) days.

(4) All personal checks will be held against established credit lines for a period of seven (7) days.

(Indiana Gaming Commission; 68 IAC 16-1-10; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3315; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 16-1-11 Handling of returned checks

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 11. (a) The riverboat licensee shall establish policies and procedures for the handling of returned checks.

(b) All returned checks are received and documented on a returned check log by a department independent of the casino cage, credit department, or both.

(c) Procedures shall be established for collecting and recording checks returned to the riverboat licensee after deposit which include redeposit procedures.

(d) A continuous record of all returned checks shall be maintained by a collections department. The records shall contain the following information:

(1) Original date of the check.

(2) Name and address of the drawer of the check.

(3) Amount of the check.

(4) Date the check was dishonored.

(5) Date or dates and amount or amounts of any collections received on the check after being returned by a bank.

(e) All returned checks shall be considered the issuance of credit and handled in accordance with collection of credits.

(f) Procedures shall be described for notification of casino cage, credit departments, or the equivalent of returned checks and the prohibition from granting further credit to patrons whose checks have been returned and remain unsatisfied. *(Indiana Gaming Commission; 68 IAC 16-1-11; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3315; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 16-1-12 Collection of past due accounts

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 12. The riverboat licensee shall establish policies and procedures for the collection of past due markers and returned checks. The policies and procedures shall be submitted in accordance with section 3 of this rule. Amendments to the policies and procedures shall be handled in accordance with section 4 of this rule. *(Indiana Gaming Commission; 68 IAC 16-1-12; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3316; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 16-1-13 Write-off of past due accounts

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 13. (a) The riverboat licensee shall establish policies and procedures for the write-off of past due markers and returned

checks. These procedures shall, at a minimum, include the following:

- (1) Establishment of a credit committee.
- (2) Authorization of write-off by the credit committee.

The policies and procedures shall be submitted in accordance with section 3 of this rule. Amendments to the policies and procedures shall be handled in accordance with section 4 of this rule.

(b) If it is determined that the riverboat licensee failed to comply with this article when extending credit or cashing checks and the riverboat licensee determines that the past due marker or returned check is uncollectible, the riverboat licensee will not be entitled to include that marker or check when calculating uncollectible gaming receivables deduction in computing the wagering tax on the RG-1. The riverboat licensee may also be disciplined in accordance with section 14 of this rule. (*Indiana Gaming Commission; 68 IAC 16-1-13; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3316; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 16-1-14 Compliance; failure to comply with procedures for extending credit

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 14. (a) Riverboat licensees shall extend credit only in accordance with the Act, this rule, and the procedures for extending credit that have been submitted, in writing, to the executive director.

(b) Failure to comply with this article may result in the initiation of a disciplinary action under 68 IAC 13. (*Indiana Gaming Commission; 68 IAC 16-1-14; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3316; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 16-1-15 Waiver of requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 15. The executive director may waive, alter, or restrict any procedures for extending credit or requirement set forth in this article if the executive director determines the following:

- (1) The procedure or requirement is impractical or burdensome.
- (2) The waiver, alteration, or restriction:
 - (A) is in the best interest of the public and the gaming industry, and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure; and
 - (B) will not reduce the integrity of the procedures for extending credit established by this article.

(*Indiana Gaming Commission; 68 IAC 16-1-15; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3316; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 16-1-16 Reports by the executive director

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-9-2
Affected: IC 4-33-4; IC 4-33-5; IC 4-33-6; IC 4-33-9; IC 5-14-1.5-6.1

Sec. 16. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to excursions and excursion schedules at the next meeting held under 68 IAC 2-1-5 or an executive session held under IC 5-14-1.5-6.1. The commission may direct the executive director to take additional or different action. (*Indiana Gaming Commission; 68 IAC 16-1-16; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3316; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

ARTICLE 17. MOVEMENT OF GAMING EQUIPMENT

Rule 1. Electronic Gaming Device Movements

68 IAC 17-1-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees and riverboat license applicants.

(b) Electronic gaming devices may only be moved in accordance with this rule. Riverboat licensees, riverboat license applicants, and supplier licensees must comply with this rule before any of the following occur:

- (1) Electronic gaming devices are transported from any point outside of Indiana into the state of Indiana.
- (2) Electronic gaming devices are transported from any point within Indiana to any point outside of Indiana.
- (3) Electronic gaming devices are transported within Indiana.

(c) Except as provided in section 2(d) of this rule, transportation notification is not required for the movement of an electronic gaming device on the casino floor of a riverboat.

(d) As used in this rule, "commission agent" means one (1) of the members of the Indiana state police department who is assigned to work for the commission's gaming enforcement section who is on duty.

(e) Electronic gaming devices may only be sold or delivered, or both, to riverboat licensees, riverboat license applicants, or other persons entitled to possess electronic gaming devices pursuant to applicable state and federal law.

(f) An electronic gaming device may not be delivered to a riverboat licensee or a riverboat license applicant unless a member of the commission staff or a commission agent is present at the point of delivery. The riverboat licensee is responsible for ensuring that a member of the commission staff or a commission agent is present at the point of delivery.

(g) All EPROMs shall be transported separately from the shipment of electronic gaming devices. If an electronic gaming device is not being utilized by a riverboat licensee and is being stored off of the riverboat, the EPROM shall be stored separately in a locked safe or the equivalent.

(h) Only a person who is licensed by the commission or who has the legal ability to possess an electronic gaming device in the jurisdiction in which the person will hold the electronic gaming device may purchase an electronic gaming device from a riverboat licensee or supplier licensee. (*Indiana Gaming Commission; 68 IAC 17-1-1; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2275; filed June 1, 1998, 2:46 p.m.: 21 IR 3707; filed Jul 10, 2000, 4:48 p.m.: 23 IR 3071; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 17-1-2 Electronic gaming device movements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) At least ten (10) days before transporting electronic gaming devices, the person causing the movement of the electronic gaming device shall notify the executive director, in writing, and provide the following information:

- (1) The full name, business address, and business telephone number of the person selling the electronic gaming device.
- (2) The full name, business address, and business telephone number of the ultimate owner of the electronic gaming device if ownership is being changed in connection with the transportation of the electronic gaming device.
- (3) The method of transportation and the name, business address, and business telephone number of the carrier or carriers.
- (4) The full name, business address, and business telephone number of the person to whom the electronic gaming device is being transported.
- (5) The individual responsible for the shipment of the electronic gaming device for each person listed in subdivisions (1) through (4).
- (6) The destination of the electronic gaming device if the address is different from the business address listed in subdivision (2).
- (7) The quantity of electronic gaming devices being transported.
- (8) A brief description of the electronic gaming device being transported.
- (9) The serial number of the electronic gaming device and a request for the issuance of a commission registration number in accordance with 68 IAC 2-6-5(a)(9).
- (10) The expected date and time of delivery of the electronic gaming device to the riverboat.
- (11) The expected date and time of the exit of the electronic gaming device if the device is exiting Indiana.
- (12) If the origin of the electronic gaming device being transported into Indiana is outside of the United States, the port of exit from that jurisdiction and the point of entry into the United States.
- (13) If the electronic gaming device is being transported to a destination outside of the United States, the port of exit from the United States.

(14) The reason for the transportation of the electronic gaming device.

(15) Upon request by the executive director, the person selling the electronic gaming device must prove that the recipient is authorized, under state and federal law, to receive the electronic gaming device.

(b) The person receiving the electronic gaming device prove receipt of the electronic gaming device if requested by the executive director.

(c) Before an electronic gaming device is removed from the casino floor, the riverboat licensee or riverboat license applicant must ensure the following actions are taken:

(1) The hopper is emptied in accordance with 68 IAC 15-11-4.

(2) A commission agent removes the evidence tape that was affixed in accordance with 68 IAC 2-6-19.

(3) Before an electronic gaming device is removed from Indiana, the riverboat licensee or riverboat license applicant shall remove the commission registration tag and return the tag to the commission agent. A commission agent must be present when the commission registration tag is removed.

(d) Riverboat licensees or riverboat license applicants must notify the executive director, in writing, of the following information before moving an electronic gaming device on the floor of the riverboat:

(1) The change in the position or location number of the electronic gaming device.

(2) The new designation the electronic gaming device will have in the central computer system.

(3) Any other information deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(Indiana Gaming Commission; 68 IAC 17-1-2; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2276; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3316; errata filed Oct 28, 1997, 3:45 p.m.: 21 IR 1006; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 17-1-3 Electronic gaming device transportation log

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) Each riverboat licensee and riverboat license applicant must maintain an electronic gaming device movement log on forms prescribed by the commission. The electronic gaming device movement log shall contain, at a minimum, the following information:

(1) The manufacturer of the electronic gaming device being transported.

(2) The type of electronic gaming device being transported.

(3) The serial number and commission registration number, if issued, of the electronic gaming device.

(4) The destination of the electronic gaming device.

(5) The expected date and time of shipment.

(6) The method of transportation and the name, business address, and business telephone number of the carrier or carriers.

(7) Any other information the executive director or the commission deems necessary to ensure compliance with the Act and this title.

(b) The electronic gaming device movement log shall be maintained by the riverboat licensee and the riverboat license applicant for a minimum of five (5) years and shall be made available for inspection upon demand by the commission or a commission agent. *(Indiana Gaming Commission; 68 IAC 17-1-3; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2276; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3317; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 17-1-4 Waiver of requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. The executive director or the commission may waive, alter, or restrict any procedure or requirement set forth in this article if the executive director determines the procedure or requirement is impractical or burdensome and the waiver, alteration, or restriction is in the best interest of the public and the gaming industry, and is not outside the technical requirements necessary to serve the purpose of the requirement or the procedure. *(Indiana Gaming Commission; 68 IAC 17-1-4; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2277; errata filed Jun 20, 1996, 1:15 p.m.: 19 IR 3114; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 17-1-5 Reports by the executive director

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 5. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to the transportation of electronic gaming devices to the commission at the next meeting held under 68 IAC 2-1-5. The commission may direct the executive director to take additional or different action. (*Indiana Gaming Commission; 68 IAC 17-1-5; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2277; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Rule 2. Live Gaming Device Movements

68 IAC 17-2-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees and riverboat license applicants.

(b) Live gaming devices may only be moved in accordance with this rule. Riverboat licensees, riverboat license applicants, and supplier licensees must comply with this rule before any of the following occur:

- (1) Live gaming devices are transported from any point outside of Indiana into Indiana.
- (2) Live gaming devices are transported from any point within Indiana to any point outside Indiana.
- (3) Live gaming devices are transported within Indiana.

(c) Except as provided in section 2(c) of this rule, transportation notification is not required for movement of a live gaming device on the casino floor of a riverboat.

(d) As used in this rule, "commission agent" means one (1) of the members of the Indiana state police department who is assigned to work with the commission.

(e) Live gaming devices may only be sold or delivered, or both, to riverboat licensees, riverboat license applicants, or other persons entitled to possess live gaming devices under applicable state and federal law.

(f) A live gaming device may not be delivered to a riverboat licensee or a riverboat license applicant unless a member of the commission staff or a commission agent is present at the point of delivery. The riverboat licensee is responsible for ensuring that a member of the commission staff or a commission agent is present at the point of delivery.

(g) Only a person who is licensed by the commission or who has the legal ability to possess a live gaming device in the jurisdiction in which the person will hold the live gaming device may purchase a live gaming device from a riverboat licensee or supplier licensee. (*Indiana Gaming Commission; 68 IAC 17-2-1; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3047; filed Jul 10, 2000, 4:48 p.m.: 23 IR 3071; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 17-2-2 Live gaming device movements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. (a) At least ten (10) days before transporting live gaming devices, the person causing the movement of the live gaming device shall notify the executive director, in writing, and provide the following information:

- (1) The full name, business address, and business telephone number of the ultimate owner of the person selling the live gaming device.
- (2) The full name, business address, and business telephone number of the ultimate owner of the live gaming device if ownership is being changed in connection with the transportation of the live gaming device.
- (3) The method of transportation and the name, business address, and business telephone number of the carrier or carriers.
- (4) The full name, business address, and business telephone number of the person to whom the live gaming device is being transported.
- (5) The individual responsible for the shipment of the live gaming device for each person listed in subdivisions (1) through (4).

- (6) The destination of the live gaming device if the address is different from the business address listed in subdivision (2).
 - (7) The quantity of live gaming devices being transported.
 - (8) A brief description of each live gaming device being transported.
 - (9) Any serial number assigned to the live gaming device and a request for the issuance of a commission registration number in accordance with 68 IAC 14-1-2.
 - (10) The expected date and time of delivery of the live gaming device to the riverboat.
 - (11) The expected date and time of the exit of the live gaming device if the device is exiting Indiana.
 - (12) If the origin of the live gaming device being transported into Indiana is outside of the United States, the port of exit from that jurisdiction and the point of entry into the United States.
 - (13) If the live gaming device is being transported to a destination outside of the United States, the port of exit from the United States.
 - (14) The reason for the transportation of the live gaming device.
 - (15) Upon request by the executive director, the person selling the live gaming device must prove that the recipient is authorized, under state and federal law, to receive the live gaming device.
- (b) The person receiving the live gaming devices must prove receipt of the live gaming device if requested by the executive director.
- (c) Before a live gaming device is removed from the casino floor, the riverboat licensee or riverboat license applicant shall remove the commission registration tag and return the tag to the commission agent. A commission agent must be present when the commission registration tag is removed.
- (d) The riverboat licensee or riverboat license applicant must notify the executive director and the commission agent, in writing, of the following information before moving a live gaming device on the floor of the riverboat:
- (1) The change in the position or location number of the live gaming device.
 - (2) Any change in designation the live gaming device will have in the central computer system.
 - (3) Any other information deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(Indiana Gaming Commission; 68 IAC 17-2-2; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3047; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 17-2-3 Live gaming device transportation log

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) Each riverboat licensee and riverboat license applicant must maintain a live gaming device log on forms prescribed by or approved by the commission. The live gaming device movement log shall contain, at a minimum, the following information:

- (1) The manufacturer of the live gaming device being transported.
- (2) The type of live gaming device being transported.
- (3) Any serial number assigned to the live gaming device, and the commission registration number, if issued, of the live gaming device.
- (4) The destination of the live gaming device.
- (5) The expected date and time of the shipment.
- (6) The method of transportation and the name, business address, and business telephone number of the carrier or carriers.
- (7) Any other information the executive director or the commission deems necessary to ensure compliance with the Act and this title.

(b) The live gaming device movement log shall be maintained by the riverboat licensee and riverboat license applicant for a minimum of five (5) years and shall be made available for inspection upon demand by the commission or a commission agent.

(Indiana Gaming Commission; 68 IAC 17-2-3; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3048; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 17-2-4 Violation of rule

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 4. Failure to comply with this rule may result in the initiation of a disciplinary action under 68 IAC 13. (*Indiana Gaming Commission; 68 IAC 17-2-4; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3048; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 17-2-5 Waiver of requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 5. The executive director or the commission may waive, alter, or restrict any procedure or requirement set forth in this rule if the executive director or the commission determines the following:

- (1) The requirement or procedure is impractical or burdensome and that the waiver, alteration, or restriction is in the best interest of the public and the gaming industry.
- (2) The waiver of the requirement or procedure is not outside the technical requirements necessary to serve the purpose of the requirement or the procedure.

(*Indiana Gaming Commission; 68 IAC 17-2-5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3048; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 17-2-6 Reports by the executive director

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 6. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to the movement of live gaming devices to the commission at the next meeting held under 68 IAC 2-1-5. The commission may direct the executive director to take additional or different action. (*Indiana Gaming Commission; 68 IAC 17-2-6; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3048; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

ARTICLE 18. DISPUTE PROCEDURES

Rule 1. Patron Dispute Procedures

68 IAC 18-1-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 1. (a) This rule applies to riverboat licensees and occupational licensees.

(b) All patron disputes shall be settled in compliance with this rule.

(c) The following definitions apply throughout this rule:

(1) "Complaint" means the form, prescribed by the commission, which a patron shall complete and submit to file a patron complaint.

(2) "Commission agent" means one (1) of the members of the Indiana state police department who is assigned to work with the commission and who is on duty.

(3) "Patron complaint" means any and all complaints a patron may have regarding the patron's treatment while gaming or while on the riverboat. Patron complaint includes disputes about patron winnings.

(*Indiana Gaming Commission; 68 IAC 18-1-1; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3317; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 18-1-2 Patron dispute process

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) The riverboat licensee shall attempt to resolve all patron disputes with the patron.

(b) If the riverboat licensee and the patron cannot resolve the dispute, the riverboat licensee must advise the patron of the patron's right to file a complaint with the commission. The complaint may be:

- (1) received by the commission agent; or
- (2) sent to the commission office in Indianapolis, Indiana.

The riverboat licensee shall provide a patron with a complaint form upon request.

(c) The complaint shall contain, at a minimum, the following information:

- (1) The name, address, and telephone number of the patron.
- (2) A summary of the nature of the patron complaint, including the date and time on which the incident leading to the dispute occurred.
- (3) A list of the names, if known, of any occupational licensees that were involved in or a witness to the incident that led to the patron dispute.
- (4) The name, address, and telephone number, if known, of any witnesses to the incident that led to the patron dispute.
- (5) A summary of the riverboat licensee's attempt to resolve the patron dispute.
- (6) Any other information deemed necessary by the executive director or the commission.

The patron shall submit the complaint within five (5) business days of the incident that led to the patron dispute. The patron shall provide a copy of the complaint to the riverboat licensee at the same time the patron submits the complaint to the commission.

(d) The riverboat licensee shall respond to a patron complaint within two (2) business days of receiving a copy of the complaint. (*Indiana Gaming Commission; 68 IAC 18-1-2; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3318; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 18-1-3 Investigation; possible disciplinary action

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. The executive director or the executive director's designee shall determine and conduct any investigation deemed necessary. If it is determined that the riverboat licensee or an occupational licensee violated the Act or this title, the commission may initiate a disciplinary action under 68 IAC 13-1. (*Indiana Gaming Commission; 68 IAC 18-1-3; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3318; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 18-1-4 Violation of rule

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. Failure of the riverboat licensee to comply with this rule may result in the initiation of a disciplinary action under 68 IAC 13-1. (*Indiana Gaming Commission; 68 IAC 18-1-4; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3318; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 18-1-5 Waiver of requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. The executive director or the commission may waive, alter, or restrict any procedure or requirement set forth in this rule if the executive director or the commission determines the following:

- (1) The requirement or procedure is impractical or burdensome and that the waiver, alteration, or restriction is in the best interest of the public and the gaming industry.

(2) The waiver of the requirement or procedure is not outside the technical requirements necessary to serve the purpose of the requirement or procedure.

(Indiana Gaming Commission; 68 IAC 18-1-5; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3318; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 18-1-6 Reports by the executive director

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33; IC 5-14-1.5-6.1

Sec. 6. The executive director shall report any action he or she has taken or contemplates taking under this rule to the commission at the next meeting held under 68 IAC 2-1-5 or an executive session held under IC 5-14-1.5-6.1(b). The commission may direct the executive director to take additional or different action. *(Indiana Gaming Commission; 68 IAC 18-1-6; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3318; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

ARTICLE 19. WAREHOUSES

Rule 1. Warehouses Maintained by Supplier Licensees

68 IAC 19-1-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-4-11; IC 4-33-7-3

Sec. 1. (a) This rule applies to supplier licensees.

(b) If a supplier licensee has a warehouse located in Indiana, electronic gaming devices or live gaming devices, or both, may be shipped to the warehouse only in accordance with this rule.

(c) Shipments of electronic gaming devices to and from the Indiana warehouse by a supplier licensee must comply with 68 IAC 17-1. Shipments of live gaming devices to and from the Indiana warehouse by a supplier licensee must comply with 68 IAC 17-2. The shipment notifications provided to the commission must indicate the reason the device is being shipped to the warehouse. The commission may require additional information to ensure compliance with the Act and this title. *(Indiana Gaming Commission; 68 IAC 19-1-1; filed Jul 10, 2000, 4:46 p.m.: 23 IR 3067; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 19-1-2 Security and surveillance measures

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-4-11; IC 4-33-7-3

Sec. 2. (a) At the end of each business day, the supplier licensee must disable all electronic gaming devices and live gaming devices.

(b) The supplier licensee must ensure that:

(1) the public does not have access to the devices located within the warehouse; and

(2) the devices are not played for any type of entertainment or gambling purpose.

(c) The supplier licensee must provide security measures and surveillance coverage that is deemed adequate by the executive director or the executive director's designee to ensure:

(1) compliance with the Act and this title; and

(2) that the devices are not used for gambling or any entertainment purpose.

(Indiana Gaming Commission; 68 IAC 19-1-2; filed Jul 10, 2000, 4:46 p.m.: 23 IR 3067; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 19-1-3 Utilization of credits

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-4-11; IC 4-33-7-3

Sec. 3. A supplier licensee may not place credits into a device by placing any of the following into the device:

- (1) Tokens.
- (2) Chips.
- (3) Cash.
- (4) Cash equivalent.

(Indiana Gaming Commission; 68 IAC 19-1-3; filed Jul 10, 2000, 4:46 p.m.: 23 IR 3067; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 19-1-4 Commission access; maintenance of records

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-4-11; IC 4-33-7-3

Sec. 4. (a) The commission staff and agents must have access to the warehouse and any records stored in the warehouse immediately upon request.

(b) All records pertaining to the warehouse must be maintained in Indiana for a period of at least two (2) years. *(Indiana Gaming Commission; 68 IAC 19-1-4; filed Jul 10, 2000, 4:46 p.m.: 23 IR 3067; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 19-1-5 Waiver of requirements or procedures

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-4-11; IC 4-33-7-3

Sec. 5. The executive director or the commission may waiver [*sic.*, *waive*], alter, or restrict any procedure or requirement of this rule if the executive director or the commission determines that the procedure or requirement is impractical or burdensome and the waiver, alteration, or restriction:

- (1) is in the best interest of the public and the gaming industry; and
- (2) is not outside the technical requirements necessary to serve the purpose of the requirement or procedure.

(Indiana Gaming Commission; 68 IAC 19-1-5; filed Jul 10, 2000, 4:46 p.m.: 23 IR 3067; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

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